



# Lowell City Council

## Regular Meeting Agenda

Michael Q. Geary  
City Clerk

**Date:** June 9, 2020  
**Time:** 6:30 PM  
**Location:** ZOOM / REMOTE PARTICIPATION

### 1. ROLL CALL

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote Participation.

Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC And Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Tele-Conferenced In To The Meeting. Email Address Is [MGEARY@LOWELLMMA.GOV](mailto:MGEARY@LOWELLMMA.GOV). If No Access To Email You May Contact City Clerk At 978-674-4161.

For Zoom - [HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

#### 2.2. Recognition - 50th Anniversary Of Earth Day.

### 3. CITY CLERK

#### 3.1. Minutes Of City Council Meeting May 26th; Transportation SC June 2nd, For Acceptance.

Documents:

[2020 MAY 26 CC MINUTES.PDF](#)  
[2020 JUNE 2 TRANS SC MINUTES.PDF](#)

### 4. GENERAL PUBLIC HEARINGS

#### 4.1. Vote - Continuing Appropriation Order - FY21 One Twelfth Budget.

Documents:

[VOTE - CONTINUING APPROPRIATION ORDER - FY21 ONE TWELFTH BUDGET.PDF](#)

#### 4.2. Loan Order 6,771,100 Various Capital Improvement 2021.

Documents:

[LOAN ORDER 6,771,100 VARIOUS CAPITAL IMPROVEMENT 2021.PDF](#)

4.3. Ordinance - Amend Mobile Food Vendors.

Documents:

[ORDINANCE - AMEND MOBILE FOOD VENDOR.PDF](#)

4.4. Ordinance - Street Seats In The Public Space.

Documents:

[STREET SEATS IN PUBLIC PLACES TEMPORARY  
ORDINANCE\\_RESTAURANTS.PDF](#)

4.5. Ordinance Amending Ch. 150 Fees.

Documents:

[ORDINANCE AMENDING CH. 150 FEES.PDF](#)

**5. COMMUNICATIONS FROM CITY MANAGER**

5.1. Motion Responses

- A) Motion Response - Cawley Stadium
- B) Motion Response - Hurd Street
- C) Motion Response - St. Hilaire's Car Wash Donation Box Removal
- D) Motion Response - 242 Lakeview Ave.

Documents:

[A\) MOTION RESPONSE - CAWLEY STADIUM.PDF](#)  
[B\) MOTION RESPONSE - HURD STREET.PDF](#)  
[C\) MOTION RESPONSE - ST. HILAIRE'S CAR WASH DONATION BOX  
REMOVAL.PDF](#)  
[D\) MOTION RESPONSE - 242 LAKEVIEW AVE..PDF](#)

5.2. Petition Responses

- E) Petition Response - 682 Broadway Handicapped Spot

Documents:

[E\) PETITION RESPONSE - 682 BROADWAY HANDICAPPED SPOT.PDF](#)

**6. VOTES FROM THE CITY MANAGER**

6.1. Vote-Accept Timely Receipt Of Budget FY21.

Documents:

[VOTE-ACCEPT TIMELY RECEIPT OF BUDGET FY21.PDF](#)

6.2. Vote-Authorize Manager Execute Annual Action Plan FY20-21

Documents:

VOTE-AUTHORIZE MANAGER EXECUTE ANNUAL ACTION PLAN FY20-FY21.PDF

6.3. Vote-Authorize Manager Execute Limited Access Agr - Speedway LLC

Documents:

VOTE-AUTHORIZE MANAGER EXECUTE LIMITED ACCESS AGR - SPEEDWAY LLC.PDF

**7. REPORTS (SUB/COMMITTEE, IF ANY)**

7.1. Transportation SC June 2, 2020.

**8. CITY COUNCIL - MOTIONS**

- 8.1. C. Chau - Req. City Mgr. Communicate With Mass. Cannabis Commission, Or Other Agencies, And Update The Council On The Timetable And Process For Establishing Standards, Regulations, And Enforcement Guidelines For Use And Transportation Of Recreational Marijuana.
- 8.2. C. Chau - Req. City Mgr. Direct The Clean-Up Of Dumped Materials, Trash And Other Public Health Related Debris In The Areas Of Washington Street (Near Leverett Street), Leverett Street, (Near Cambridge Street), And Along Both Sides Of The Adjacent Lowell Connector (Along River Meadow Brook).
- 8.3. C. Elliott - Req. City Mgr. And Supt. Of Police Provide A Report Regarding The Effectiveness Of Installing Traffic Cameras At Dangerous Intersections/Roadways.
- 8.4. C. Elliott - Req. City Mgr. Have Transportation Engineer Initiate A Speed Bump Pilot Project And Identify Several Dangerous Roadways, To Address Speeding And Dangerous Driving.
- 8.5. C. Elliott - Req. City Mgr. Have Transportation Engineer Evaluate Making Billings (On-Way) And Barker Intersection A Three-Way Stop.
- 8.6. C. Nuon - Req. City Mgr. Organize A Joint Meeting Of The Commission On Race Relations With Appropriate Agencies To Prepare A Report Regarding Best Practices In Building Community Relationships.
- 8.7. C. Nuon - Req. City Mgr. Work With Appropriate Department To Address The Impact Of The Covid-19 Pandemic On Lowell's Moderate 2020 Census Response And Implement A Plan To Improve The Response Rate.
- 8.8. C. Nuon - Req. City Mgr. Work With The State Delegation And The Mass Dept. Of Transportation To Implement Changes That Will Slow Traffic On The Pawtucket Boulevard; Possibilities Include Radar Speed Display, Automated Speed Enforcement, Speed Bumps And Narrowing The Road.
- 8.9. C. Drinkwater/C. Nuon - Req. City Mgr. Report On The Costs Of A Third Party Audit Of Human Resources/Hiring Practices That Includes Recommendations For Ensuring A Diverse And Inclusive City Workforce, And To Explore The Possibility Of Outside Funding Sources For The Report, Including Grants.
- 8.10. C. Conway - Req. City Mgr. Meet With Appropriate Departments To Implement A Strategy To Maintain The Restaurants' Outside Seating Areas Free From Panhandling Activities.
- 8.11. C. Samaras - Req. City Mgr. Provide And Update And Timeline Regarding

Construction And Renovation Of Lowell High School.

8.12. M. Leahy/C. Rourke - Req. City Mgr. Begin The Process Of Naming The Football Field At Cawley Stadium In Honor Of William "Billy" Rizos.

**9. ANNOUNCEMENTS**

**10. ADJOURNMENT**

**Office of the City Clerk - 375 Merrimack Street - Phone: 978.674.4161**



# Lowell City Council

## Regular Meeting Minutes

Michael Q. Geary  
City Clerk

**Date:** May 26, 2020  
**Time:** 6:30 PM  
**Location:** Zoom/Remote Participation

### 1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC as well as Zoom and recorded due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Jose and Fernanda Medina and Brian Barry (accident victims). C. Nuon requested moment of silence in darkened chamber for Heng Por and Samnang Lorn. C. Chau recognized all service men and women as many Memorial Day celebrations had been cancelled.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote Participation:

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members of the public may view the meeting via LTC and those wishing to speak regarding a specific agenda item shall register to speak in advance of the meeting by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be tele-conferenced in to the meeting. Email address is [mgeary@lowellma.gov](mailto:mgeary@lowellma.gov). If no access to email you may contact City Clerk at 978-674-4161.

For Zoom - <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Elliott. So voted. C. Elliott questioned when meetings would return to chamber. M. Leahy noted that working for next meeting, just for members and administration, if all are comfortable returning.



## 2.2. Recognition - 50th Anniversary of Earth Day.

In City Council, M. Leahy they would take up matter at next meeting.

## 3. CITY CLERK

### 3.1. Minutes of Finance SC Joint with School Finance SC May 12th; City Council Meeting May 12th; Finance SC May 19th; Transportation SC May 19th, for acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Conway. So voted.

## 4. GENERAL PUBLIC HEARINGS

### 4.1. Ordinance-Amend Ch 222 Peace and Good Order.

In City Council, hearing held. No Remonstrants. **Motion** to adopt by C. Drinkwater, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted that information should be forwarded to businesses. Manager Donoghue commented on effort to assist and working partnerships.

### 4.2. Ordinance-Amend Ch 150 Fees.

In City Council, hearing held. No Remonstrants. **Motion** to adopt by C. Drinkwater, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned the amount of fine for first offense. City Solicitor O'Connor outlined the fine structure in the ordinance noting increase with each offense. C. Drinkwater recognized the effort of all involved to bring matter to quick resolution.

## 5. COMMUNICATIONS FROM CITY MANAGER

### 5.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Samaras. So voted. Manager Donoghue noted serious accident occurring on Pawtucket Boulevard. Supt. Richardson (LPD) commented on the safety concerns with the road and the commitment to increasing safety in that area. **Motion** by C. Elliott, seconded by C. Conway to refer discussion to Transportation SC. So voted. Manager Donoghue noted that there must be an aggressive approach and that the State would need to be involve with discussions. C. Rourke noted that they should review other towns and cities that have State roadways passing through them. C. Conway noted the importance of the meeting as there are many complaints regarding traffic concerns throughout the City. C. Conway noted use of the STEP program. Supt. Richardson



outlined the program and the goal of having violators pay for safety implantations. C. Chau noted that businesses on Pawtucket Boulevard should be involved with these discussions as they have perspective on the matter. C. Elliott noted that decreasing the number of lanes would increase safer travel. C. Elliott commented on “no chase” police within police department. Supt. Richardson noted the policy and commented that there is a common sense approach in these matters. C. Mercier noted that speeding has increased during the pandemic. Supt. Richardson noted that the City issues the most tickets in the State. M. Leahy noted that speeding throughout State has been a problem.

**A) Motion Response - Nursing Home Health and Safety Complaints** – Manager Donoghue introduced new health director and thanked interim director Jo-Anne Deegan. Joanne Belanger (Health Director) commented on inspections by State and City involvement and their relationships with long care facilities. Ms. Belanger noted that City is supplying much equipment to be used in these facilities. C. Elliott commented on the staffing ratios in the homes and their reluctance to share information with the City. Ms. Belanger noted that many establishments have improved their communications with the City. C. Elliott noted that sharing of information is critical when dealing with this virus. C. Conway noted the report was very detailed in outlining our partnerships and the focus on the same goal.

**B) Motion Response - COVID-19 Case Reporting** – Registered speakers, Diego Leonardo and Bobby Tugbiyele, addressed the Council. M. Leahy noted that focus should be on safety for all and that all are reaching for a common goal. C. Elliott noted the effort of the nurses and the attempts to gather information. C. Elliott noted many people do not self-report and therefore the data would be incomplete and insufficient. Manager Donoghue noted information was governed by a State run system and information is constantly gathered and that information needs to be accurate. C. Chau noted the report was important and helpful and the effort made assisted with being ahead of the curve in this matter. C. Nuon noted that information should be used even if not complete and there should be movement towards more accurate numbers in terms of ethnicity and race. Ms. Belanger noted changes in State system regarding race and that ethnicity is a self-identification process. C. Conway recognized efforts of the Health Department and that they should continue moving forward in same fashion. C. Chau noted gathering self-identification data is difficult and that information by City partners could be used to assist with that collection. Ms. Belanger commented on the using of tracers in the City for data collection. C. Elliott noted that the department should be left to do the job that they are doing successfully.

**C) Motion Response - Online Records Requests** – C. Conway noted the report and



the steps to doing business differently in assistance for the public. C. Nuon noted that understanding restrictions and working with them can improve the system.

**D) Motion Response - Summer Event Cancellations** – C. Samaras noted that cancellations have an economic impact that must be offset by other means. Manager Donoghue noted efforts to identify alternative to attract people downtown. Christine McCall (DPD) commented on assistance to restaurants with outdoor seating and entertainment. C. Samaras noted that information could be passed to the public through different media sources.

**E) Motion Response - Dumping at Clothing Donation Boxes – Motion** by C. Mercier, seconded by C. Nuon to suspend rules and take Item #11.2 out of order. So voted. C. Mercier noted the number of complaints and the uncaring property owners and that boxes should be removed. C. Rourke noted situation is getting much worse and some areas and questioned the responsibility over the boxes. Manager Donoghue noted that some have been a chronic problem. Eric Slagle (Inspectional Services) noted that different companies have different approaches. Solicitor O'Connor noted that removal of boxes are on a legal path. C. Rourke questioned if there is any financial gain for property owners with boxes. Mr. Slagle noted that some may have a financial element to it. C. Chau noted that service may be good but there are violations that need to be addressed. M. Leahy commented on use of ordinance to correct issue. C. Elliott commented that it is time to remove boxes and to prohibit their use by way of an ordinance. **Motion** by C. Elliott, seconded by C. Conway to instruct Law Department draft ordinance to prohibit the placing and use of such boxes in the City. So voted.

**F) Motion response - Immaculate Church Loading Zone** – M. Leahy recognized the report.

**G) Motion Response - MSBA Projects** – C. Rourke recognized the report noting that it provided good information.

## **6. VOTES FROM THE CITY MANAGER**

### **6.1. Vote - Continuing Appropriation Order - FY21 One Twelfth Budget.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Nuon, seconded by C. Rourke. So voted.

### **6.2. Vote-Accept Timely Receipt of Budget FY21.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer second reading on June 9, 2020 by C. Mercier, seconded by C. Nuon. So voted.



**6.3. Vote- Auth Mgr Accept and Expend Community Compact Grant \$12K.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

**6.4. Vote- Auth Mgr enter into Temporary License Agreement - ETL Corp -68 Jackson St.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

**6.5. Vote-153 Willie St\_ Declare Surplus & Convey to LynnLowell LLC.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. C. Nuon commented that there should be an affordable housing element to these developments. Diane Tradd (DPD) noted that this parcel could only be used by abutters and that is who will be developing it and they must execute a Land Development Agreement. C. Mercier questioned if there was adequate parking for the project. Ms. Tradd noted that parcel would be used for off-street parking. C. Drinkwater noted it was part of the revitalization of the Acre and that outreach to non-profits was conducted. M. Leahy noted that parking needs must be met.

**6.6. Vote-Auth Mgr Ex License Agreement - Music Workshop - 181 Market St - overhanging sign.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Chau, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

**7. ORDERS FROM THE CITY MANAGER**

**7.1. Order - 60 Day Trial – Various.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

**7.2. Loan Order 6,771,100 various Capital Improvement 2021.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Conway, seconded by C. Nuon. So voted.



## **8. ORDINANCES FROM THE CITY MANAGER**

### **8.1. Ordinance - Amend Mobile Food Vendors.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Conway, seconded by C. Samaras. So voted.

### **8.2. Ordinance - Street Seats in the Public Space.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Rourke, seconded by C. Chau. So voted. C. Rourke provided Neighborhoods SC report of May 26<sup>th</sup> at this time; note discussion under Item #9.1(3).

### **8.3. Ordinance Amending Ch. 150 Fees.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Elliott, seconded by C. Drinkwater. So voted.

## **9. REPORTS (SUB/COMMITTEE, IF ANY)**

### **9.1. Subcommittee Reports:**

#### **1) Transportation SC May 19, 2020.**

In City Council, C. Elliott provided report outlining attendance and discussion regarding the traffic effect in South Lowell due to Tewksbury Home Depot project. Manager Donoghue noted that there has been outreach to the applicant of the project. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Conway. So voted.

#### **2) Finance SC May 19, 2020.**

In City Council, C. Elliott provided report outlining attendance and discussion of budget presentation; FY20; Covid-19 reimbursements; FY 21; Capital Plan; and Debt Stabilization Fund. Conor Baldwin (CFO) noted the operations of the fund. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Mercier. So voted.

#### **3) Neighborhoods SC May 26, 2020.**

In City Council, C. Rourke provided report outlining attendance and discussion of outdoor seating ordinance and other assistance for businesses in the City, which include State legislation and bagging parking meters to assist with take-out programs. Ms. McCall commented on assistance programs and that they would want to get out in



front of ordinance so that all are ready to move forward after it passed. **Motion** by C. Rourke, seconded by C. Nuon to have DPD begin application process and notification of program before passage of associated ordinance. So voted. C. Rourke commented on outreach to businesses. Ms. McCall outlined that approach. **Motion** to accept the report as a report of progress by C. Rourke, seconded by C. Mercier. So voted.

**9.2. Wire Insp. - National Grid - Request installation of underground electric conduit for pedestrian lighting at 199 Pawtucket Street.**

In City Council, **Motion** to adopt and accept accompanying order by C. Mercier, seconded by C. Rourke. So voted.

**9.3. Wire Insp. - National Grid - Request installation of underground electric conduit for power at 70 Fox Street.**

In City Council, **Motion** to adopt and accept accompanying order by C. Nuon, seconded by C. Drinkwater. So voted.

**10. PETITIONS**

**10.1. Misc. - Affirmative Investments, Inc. (on behalf of UTEC) request City Council discontinue a portion of Warren Street and Hurd Street.**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Conway, seconded by C. Nuon. So voted.

**11. CITY COUNCIL - MOTIONS**

**11.1. C. Samaras - Req. City Mgr. provided information regarding timetable for the possible opening of parks, playgrounds and pools (based upon information provided by Governor's Office).**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras noted that the Governor would be establishing standards for recreational property openings. Manager Donoghue noted that City would be following that directive. C. Elliott commented on how State would be phasing that policy in as well.

**11.2. C. Mercier - Req. City Mgr. have Planet Aid yellow boxes removed from St. Hilaires Car Wash; and request a report regarding other Planet Aid boxes throughout the City which are in violation of City codes and regulations.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Note discussion under Item #5.1(E).



**11.3. C. Nuon/C. Drinkwater - Req. City Mgr. work with proper department, when restrictions are lifted, to coordinate with Lowell Non-Profits and hold a candle light vigil for Lowellians who died because of the Covid-19 pandemic.**

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted that efforts should be recognized once all the restrictions are lifted. C. Drinkwater commented on fact that the grieving process has been altered during this pandemic and once restrictions lifted there should be recognition of those who have perished.

**11.4. C. Nuon/C. Drinkwater - Req. City Council adopt a resolution in support of State Senate Bill S2500 regarding clean energy and greenhouse gas emissions.**

In City Council, no second needed, referred to City Manager. Defeated on Roll Call vote 3 yeas, 6 nays (C. Chau, C. Conway, C. Elliott, M. Leahy, C. Mercier, C. Rourke). So voted. Registered speaker, Jay Mason, addressed the body. C. Nuon noted the legislation as a great step towards a green sustainable future. C. Drinkwater noted benefits of the bill as it would be creating quality jobs. C. Rourke noted some positives of the bill but noted that it is not without substantial unregulated costs. C. Conway noted the added tax burden on the citizens of Lowell and that could not be sustained by them. C. Rourke noted that there was an amendment regarding costs with the bill that was defeated and so there is no limit as to costs. C. Elliott noted it was an extensive bill and that it should not be discussed without complete explanation of matters. C. Nuon noted the Senate passed it unanimously. C. Mercier noted costs would be too high and requested a Roll Call on the matter. C. Chau noted the need for further information especially regarding costs. C. Samaras noted that he has consistently voted in favor of green legislation and would support it.

**11.5. C. Chau - Req. City Mgr. investigate and update Council regarding the collapsed and abandoned property located at 242 Lakeview Avenue whose work order expired on 12/19/2018.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speaker, Robert Hunt, addressed the Council. C. Chau noted the property is in deteriorated state and needs to be attended to as it poses a danger to the community.

**11.6. C. Rourke - Req. City Mgr. provide a report regarding what is being done to address the issue of stagnant water in City's schools and to conduct periodical testing to maintain fresh water.**



In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Rourke noted it was a safety concern.

**11.7. C. Elliott - Req. City Mgr. have Transportation Engineer develop traffic calming measures on Varnum Avenue to address excessive speeding.**

In City Council, seconded by C. Mercier, referred to Transportation SC. So voted. C. Elliott noted would be discussed.

**12. ANNOUNCEMENTS**

In City Council, none.

**13. ADJOURNMENT**

In City Council, **Motion** to Adjourn C. Rourke, seconded by C. Elliott. So voted.

Meeting adjourned at 9:35 PM.

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Michael Q. Geary, City Clerk



# Lowell City Council

## *Transportation SC Minutes*

Michael Q. Geary  
City Clerk

**Date:** June 2, 2020  
**Time:** 5:30 PM  
**Location:** Zoom/Remote Participation

### **PRESENT:**

Present on Roll Call were Chairman Elliott, C. Conway and C. Samaras. Also present C. Drinkwater, Natasha Vance (Transportation Engineer), Manager Donoghue, C. Chau and Supt. Richardson (LPD).

### **MEETING CALLED TO ORDER:**

C. Elliott called the meeting to order.

### **ORDER OF BUSINESS:**

C. Elliott noted the support of the delegation in support of changes on the Pawtucket Boulevard. Manager Donoghue commented on that support and noted the formal request to MassDOT for assessments and recommendations concerning that road and that findings could come before the subcommittee. C. Elliott noted that immediate measures must be taken before long term solutions. Ms. Vance noted that MassDOT must study the issue for long term solutions which would take an extended time. Supt. Richardson noted the number of tickets issued and the use of the STEP program regarding traffic monitoring. Supt. Richardson noted the Pawtucket Boulevard contained three dangerous intersections on the route and that the Mass State Police have assisted with monitoring that area. C. Samaras noted the need for immediate action and questioned how that could be done. Supt. Richardson noted the need for structural change and that his department would continue with presence on the street. C. Samaras questioned possible changes to the physical street. Ms. Vance noted that pedestrian safety is critical and that speed has increased during this pandemic and that possible narrowing of lanes could be a solution. C. Conway noted the need for continued police presence had speeds increase and questioned if prior studies had been done on that road. Ms. Vance noted prior studies at certain locations but not of the entire stretch and that there have been some discussions regarding narrowing of the street. C. Conway noted use of flashing speed signs to



slow down traffic. Ms. Vance said that posting was effective early on but loses some of that over time. C. Chau commented on identifying dangerous areas and what should be covered. Supt. Richardson noted a whole approach which include neighboring towns should be done. C. Chau noted neighborhood concerns with speeding throughout City. C. Elliott noted that larger discussion could be done with neighborhood groups. Ms. Vance provided summary regarding issue on the Pawtucket Boulevard noting speed issues; traffic amounts; MassDOT involvement; dangerous intersections; existing programs that could address needs; and short term solutions which include flashing speed indicators and flexible narrowing posts. C. Elliott questioned the use of cameras at dangerous intersections. Supt. Richardson note the advantages of them and the limits under the law. Manager Donoghue noted the court decisions regarding use of cameras. Ms. Vance noted that MassDOT would be installing cameras on that roadway and that they are valuable to track traffic impact.

**ADJOURNMENT:**

**Motion** to adjourn by C. Samaras, seconded by C. Conway. So voted.

Meeting adjourned at 6:17 PM.

Michael Q. Geary, City Clerk

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COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

**VOTE**

Approving a continuing appropriation order to fund the one-twelfth Budget for the City of Lowell for July of Fiscal Year 2021.

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On March 10, 2021 the Governor of the Commonwealth declared a State of Emergency in response to the COVID-19, which is currently still in effect;

As of May 19, 2021 the Massachusetts House of Representatives and Senate have not yet approved the 2021 local aid amounts for municipalities, a revenue source which comprises approximately 53% of the City of Lowell's annual revenue, and action on a full year's budget appropriation would not be in the city's best financial interest at this time;

Under the provisions of Mass. G.L. c.44 §32, the City Manager submitted a proposed continuing appropriation order for fiscal year 2021 for the month of July to the City Council on May 26, 2021 and the appropriation order was accepted by vote of the City Council; and

The City Council held advertised public hearings to consider the appropriation order on June 09, 2021 and any other dates necessary, as advertised in the public hearing notice; and

Upon motion the City Council accepted the budget as submitted by the City Manager, after reductions otherwise separately voted, if any.

**NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:**

That the City Council of the City of Lowell hereby adopts and approves the continuing appropriation order for fiscal year 2021 for the City of Lowell for the month of July, including all line items therein as if separately voted thereon, in the sum of **\$38,351,100**, which sum shall be appropriated and raised by taxation and other sources, including but not limited to intergovernmental revenue, charges for services, licenses and permits, miscellaneous, etc. The full list of appropriations follows this vote.

v.budgetfy21

**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order –  
One-Twelfth Budget – July FY2021**

WHEREAS, THE City of Lowell enterprise funds may have insufficient operating revenues to fund all expenditures of the funds in fiscal year 2021 and appropriation of retained earnings may be required to fund the fiscal year's operations.

NOW, THEREFORE, BE IT FURTHER VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:

<b>Line</b>			<b>FY2021 Manager</b>
<b>Number</b>	<b>Department</b>	<b>Description</b>	<b>Recommended</b>
			<b>Appropriation</b>
2021-01	City Council	Personal Services	\$19,359
2021-02	City Council	Ordinary Expenses	\$625
2021-03	Mayor	Personal Services	\$4,362
2021-04	Mayor	Ordinary Expenses	\$1,159
2021-05	City Clerk	Personal Services	\$35,552
2021-06	City Clerk	Ordinary Expenses	\$3,405
2021-07	City Manager	Personal Services	\$151,174
2021-08	City Manager	Ordinary Expenses	\$318,167
2021-09	City Manager - Lowell School Syst.	Ordinary Expenses	\$4,167
2021-10	City Manager - Marketing Develop.	Personal Services	\$3,000
2021-11	City Manager - Marketing Develop.	Ordinary Expenses	\$42,084
2021-12	City Manager - Contingency	Ordinary Expenses	\$94,434
2021-13	City Manager - Contingency	Reserve for Wages	-
2021-14	City Manager - Cable Access	Personal Services	\$10,427
2021-15	City Manager - Cable Access	Ordinary Expenses	\$24,086
2021-16	City Manager - Cable Access	Transfers to Schools	\$6,250

**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order –  
One-Twelfth Budget – July FY2021**

			<b>FY2021 Manager</b>
<b>Line</b>			<b>Recommended</b>
<b>Number</b>	<b>Department</b>	<b>Description</b>	<b>Appropriation</b>
2021-17	City Manager – CASE	Personal Services	\$15,931
2021-18	City Manager – CASE	Ordinary Expenses	-
2021-19	Finance	Personal Services	\$13,621
2021-20	Finance	Ordinary Expenses	\$125
2021-21	Budget	Personal Services	\$11,682
2021-22	Budget	Ordinary Expenses	-
2021-23	Auditing	Personal Services	\$41,612
2021-24	Auditing	Ordinary Expenses	\$4,884
2021-25	Purchasing	Personal Services	\$20,252
2021-26	Purchasing	Ordinary Expenses	\$11,521
2021-27	Assessing	Personal Services	\$43,311
2021-28	Assessing	Ordinary Expenses	\$5,042
2021-29	Treasurer	Personal Services	\$49,909
2021-30	Treasurer	Ordinary Expenses	\$52,217
2021-31	Human Relations	Personal Services	\$28,417
2021-32	Human Relations	Ordinary Expenses	\$2,296
2021-33	Management Information Systems	Personal Services	\$58,718
2021-34	Management Information Systems	Ordinary Expenses	\$92,784
2021-35	Law	Personal Services	\$97,193
2021-36	Law	Ordinary Expenses	\$23,925
2021-37	Elections	Personal Services	\$22,269

**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order –  
One-Twelfth Budget – July FY2021**

<b>Line</b>			<b>FY2021 Manager Recommended</b>
<b>Number</b>	<b>Department</b>	<b>Description</b>	<b>Appropriation</b>
2021-38	Elections	Ordinary Expenses	\$7,334
2021-39	Planning & Development	Personal Services	\$230,405
2021-40	Planning & Development	Ordinary Expenses	\$24,804
2021-41	Police	Personal Services	\$2,420,525
2021-42	Police	Ordinary Expenses	\$300,000
2021-43	Fire	Personal Services	\$1,669,076
2021-44	Fire	Ordinary Expenses	\$67,559
2021-45	Lowell Public Schools	Single Line Appropriation	\$14,948,596
2021-46	Greater Lowell Technical School	Ordinary Expenses	\$772,290
2021-47	Essex Agricultural High School	Ordinary Expenses	-
2021-48	DPW Administration	Personal Services	\$45,157
2021-49	DPW Administration	Ordinary Expenses	\$124,001
2021-50	DPW Engineering	Personal Services	\$45,800
2021-51	DPW Engineering	Ordinary Expenses	-
2021-52	DPW Land & Buildings	Personal Services	\$179,295
2021-53	DPW Land & Buildings	Ordinary Expenses	\$52,834
2021-54	DPW Streets	Personal Services	\$112,992
2021-55	DPW Streets	Ordinary Expenses	\$1,667
2021-56	Parks	Personal Services	\$128,043
2021-57	Parks	Ordinary Expenses	\$43,069

**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order –  
One-Twelfth Budget – July FY2021**

			<b>FY2021 Manager</b>
<b>Line</b>			<b>Recommended</b>
<b>Number</b>	<b>Department</b>	<b>Description</b>	<b>Appropriation</b>
2021-58	Cemetery	Personal Services	\$20,842
2021-59	Cemetery	Ordinary Expenses	\$20,971
2021-60	DPW Other	Snow & Ice	\$112,500
2021-61	DPW Other	Street Lighting	\$34,667
2021-62	DPW Other	Waste Coll./Disposal	\$604,210
2021-63	Health	Personal Services	\$234,271
2021-64	Health	Ordinary Expenses	\$32,313
2021-65	Council on Aging	Personal Services	\$27,248
2021-66	Council on Aging	Ordinary Expenses	\$7,365
2021-67	Veterans'	Personal Services	\$13,225
2021-68	Veterans'	Ordinary Expenses	\$54,430
2021-69	Recreation	Personal Services	\$200,180
2021-70	Recreation	Ordinary Expenses	\$3,958
2021-71	Library	Personal Services	\$87,937
2021-72	Library	Ordinary Expenses	\$31,285
2021-73	Unclassified	Debt Service	\$818,231
2021-74	Unclassified	Workers Comp	\$107,193
2021-75	Unclassified	Unemployment	\$35,417
2021-76	Unclassified	Health Insurance	\$2,012,500
2021-77	Unclassified	Retirement	\$2,271,826
2021-78	Unclassified	Medicare Tax	\$229,167

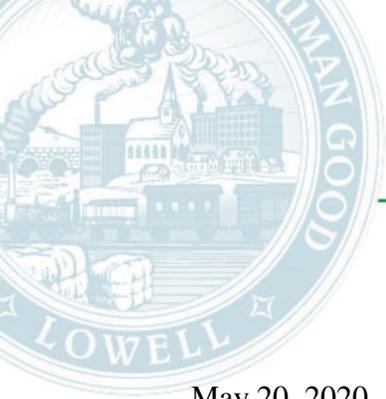
**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order –  
One-Twelfth Budget – July FY2021**

			<b>FY2021 Manager Recommended</b>
<b>Line Number</b>	<b>Department</b>	<b>Description</b>	<b>Appropriation</b>
2021-79	Unclassified	Claims & Judgments	\$141,746
2021-80	Unclassified	Other Insurance	\$23,885
2021-81	Unclassified	No. Middlesex	\$2,821
<b>Subtotal</b>	<b>General Fund</b>		<b>\$29,615,595</b>
2021-82	Wastewater	Personal Services	\$284,978
2021-83	Wastewater	Ordinary Expenses	\$685,625
2021-84	Wastewater	Debt Service	\$4,439,800
<b>Subtotal</b>	<b>Wastewater Enterprise Fund</b>		<b>\$5,410,403</b>
2021-85	Parking	Personal Services	\$31,582
2021-86	Parking	Ordinary Expenses	\$262,479
2021-87	Parking	Debt Service	\$428,304
<b>Subtotal</b>	<b>Parking Enterprise Fund</b>		<b>\$722,365</b>
2021-88	Water	Personal Services	\$211,795
2021-87	Water	Ordinary Expenses	\$343,542
2021-88	Water	Debt Service	\$2,047,400
<b>Subtotal</b>	<b>Water Enterprise Fund</b>		<b>\$2,602,737</b>
<b>Grand Total All Funds</b>			<b>\$38,351,100</b>

**City of Lowell Fiscal Year 2021 City Manager's Recommended Appropriation Order –  
One-Twelfth Budget – July FY2021**

Furthermore, the following projected needs are costs to the City, but according to accounting rules established by the Department of Revenue, are not to be included in the appropriation order.

		<b>FY2021 Manager</b>
<b>Line</b>		<b>Recommended</b>
<b>Number</b>	<b>Department</b>	<b>Amount</b>
2021-89	General Fund - Cherry Sheet Assessments	\$2,430,075
2021-90	General Fund - Provision for Abatements & Exemptions	\$91,667
2021-91	Indirect costs of the enterprise funds	\$751,044



Eileen M. Donoghue  
*City Manager*

May 20, 2020

Mayor John J. Leahy  
And  
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

I herewith transmit for your approval a so-called continuing appropriation or “one-twelfth” budget for July of FY2021, pursuant to Chapter 44 Section 32 of the Massachusetts General Laws. The FY21 budget was built while navigating through the unprecedented and uncertain times that COVID-19 has presented our great City. Given the many unknowns of the economic impacts of the current crisis and the speed with which they may resolve, our financial planning for the coming year must be conservative and flexible to allow us to adapt quickly and decisively as more concrete financial information is known. We have prepared a budget that is consistent with these realities. My finance team and I believe that proceeding in this manner, rather than presenting a full year appropriation based on local aid numbers which are subject to change, is the most responsible course of action.

Because the city relies so heavily on intergovernmental aid as a revenue source, each year my finance team anxiously awaits the so-called “cherry sheet” amounts from the State House. Typically by this point in the year we at least have a sense of those major accounts, like Chapter 70 education aid and unrestricted aid (“UGGA”) to set our local revenue projections. This year, however, the Massachusetts House of Representatives has not yet held hearings on the revenue picture for FY2021 as of the date of this letter. Without a more accurate picture of local aid, moving forward with a spending plan for the entire year would be unwise. Therefore, in May after consultation with the City Council, I placed temporary hold on the budget, which otherwise was largely complete.

Upon recommendation by the City Council’s Finance Subcommittee, the City Council voted at the May 12<sup>th</sup> regular meeting to move forward with a so-called “one-twelfth” budget for July of FY2021. This appropriation order is based on that direction. My finance team has taken a deep dive into the totals to make sure that the amounts included in July are not in excess of the need, nor deficient to cover all city expenses for July. While the common nomenclature is one-twelfth, each appropriation may not be equal to exactly one twelfth of the 2020 amount. For example, some appropriations like for solid waste and recycling collection and disposal, must account for contractual increases in cost. We must also account for increases in labor costs associated with existing, approved contracts with the city’s collective bargaining units. The Administration is confident that the order before the Council includes allowances for those anomalies.



Eileen M. Donoghue  
*City Manager*

Once the state agrees on a local aid amount, we will re-evaluate departmental requests and present a full-year funding plan to the City Council. However, if the amounts are still unknown, we will present an additional one-twelfth budget for August and possibly September. The purpose of this action is to continue spending authority through to July and keep city services operational so that Lowell's residents can continue to receive the services they expect and deserve.

Sincerely,

Eileen M. Donoghue  
City Manager

CC: Conor Baldwin, Chief Financial Officer

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

LOAN ORDER  
(General Fund Capital Improvements)

To borrow \$6,771,100 for the purpose of financing various capital improvements and purchases and any related architectural and engineering services in connection therewith and any costs incidental and related thereto.

IT IS ORDERED BY THE CITY COUNCIL OF THE CITY OF LOWELL BY A TWO-THIRDS VOTE OF ALL OF ITS MEMBERS, as follows:

**Ordered:** That the sum of \$6,771,100 is appropriated for the purpose of financing the following capital improvements, and any related architectural and engineering services in connection therewith and any costs incidental and related thereto: (1) City-wide paving and sidewalk program, (2) bridge repair/replacement program, (3) Westford/Stedman Intersection, (4) School Street Cemetery Wall Improvement, (5) TIGER (canal bridges projects), (6) Replace two ladder/engines - city match, (7) Locker Room Upgrades, (8) Convert/ Retrofit Firing Range to Evidence, (9) Service Tablets, (10) LPD Vehicle Maintenance Facility and Sign Shop Roof Replacement, (11) Cawley Stadium Improvements, (12) Concord River Greenway, (13) Voting Machine Upgrades, (14) City Council Chamber upgrades, (15) City Hall Security upgrades – Exterior, (16) School Department Security Equipment Upgrades, and (17) ADA transition plan projects; that to meet this appropriation the Treasurer, with the approval of the City Manager, is authorized to borrow \$6,771,100 and to issue bonds or notes therefor under G.L. c.44 or any other enabling authority; that the City Manager is authorized to contract for and expend any federal or state aid available for the projects; that the City Manager is authorized to take any action necessary to carry out the projects; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify any or all of the bonds under G.L. c.44A and to provide such information and execute such documents as such board may require for these purposes. Any premium received upon the sale of any bonds or notes approved by this loan order, or upon the sale of any other bonds or notes approved by any other loan order of the City adopted prior to the date of this loan order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote as well as any other projects approved by loan order of the City adopted prior to the date of this loan order in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**ORDER RECOMMENDED AND INTRODUCED BY:**



Eileen M. Donoghue, City Manager



Conor Baldwin  
Chief Financial Officer

## MEMORANDUM

**TO:** Eileen M. Donoghue, City Manager

**FROM:** Conor Baldwin, Chief Financial Officer

**CC:** Kelly Oakes, City Treasurer/ Collector

**DATE:** May 18, 2020

**RE:** Capital Budget Loan Order – 2021 Capital Improvements

The city's bond counsel has prepared a draft loan order to fund the 2021 component of the city's comprehensive five year capital improvement ("CIP") plan. The loan order is enclosed for approval by the City Council. Typically this loan order is presented to the Council each year in tandem with the city's annual operating budget and the full capital budget documents are incorporated in the budget book, however, due to the circumstances surrounding this year's budget calendar and the impact of the COVID-19 crisis, the process has been bifurcated to keep the timeline intact for funding capital projects. To follow is a discussion of the financial analysis and general principals associated with capital budgeting and the specific considerations for the city's finances. However, the funding proposal to the City Council is only for the 2021 projects and associated financing.

One financing strategy for capital plans is to use the budgetary capacity created by paying off existing debt to issue more bonds to finance capital projects. In theory this accomplishes two objectives. First by financing capital with debt, it matches payments for the asset with the useful life of the asset itself. Secondly, by replacing a declining expense with a new expense, the operating budget is not burdened further. The number we will arrive at as the "target debt service" would represent a net zero impact on the General Fund. This is

To begin these calculations, we start with the forecast of current debt service and deduct ongoing reimbursements from the Massachusetts School Building Authority ("MSBA"). From this, we arrive at our target debt service number for the next five years. Next, we include potential savings forecasted from issuing refunding bonds. This occurs when new debt is issued to replace or redeem old debt before the maturity or call date of the old debt. Under these circumstances, the proceeds of the new debt must be placed in escrow and used to pay interest on old, outstanding debt as it becomes due, and to pay the principal on the old debt either as it matures or at an earlier call date. While Lowell has already taken advantage of many refunding opportunities, there are additional prospects being pursued currently by the City Administration which will reduce future debt service costs. These savings are incorporated in the model presented. The analysis includes previously authorized capital expenditures which have been spent, but not permanently financed. These future costs are layered into the analysis to provide a more accurate forecast, including all financial considerations.



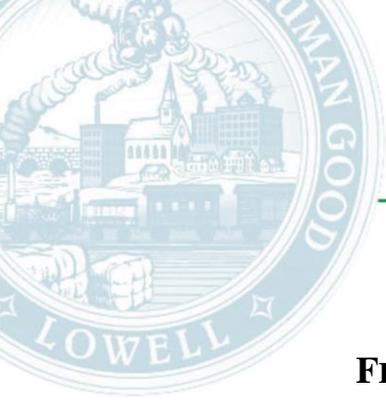
**Conor Baldwin**  
*Chief Financial Officer*

A less attractive, but more generous strategy is to perform the same calculations, but to assume that the City's budget has the capacity to increase at 2 ½% per year. This is consistent with Proposition 2 ½ and with the long-term historical revenue growth. Along the bottom line of the chart, the revised target includes an increase of 2.5% of the prior year's forecasted debt service for comparison. The capital planning process has run concurrently with preparations for the upcoming year's operating budget. The symbiotic relationship between capital planning and preparation of the operating budget has long-since been a goal of the city, which has finally come to fruition.

Preparation of a five-year capital improvement plan (CIP) is a best practice in municipal finance. Department Heads were asked to submit their short and medium term priorities to the Finance Office this winter for consideration and inclusion in a comprehensive plan. Buildings, infrastructure, technology, and major equipment are the physical foundation for providing services to constituents. The procurement, construction, and maintenance of capital assets are a critical activity of state and local governments, school districts, and other government agencies, and therefore require careful planning.

Capital planning is critical to maintaining essential public services. It is also an important component of a community's economic development program and strategic plan. Capital facilities and infrastructure are important legacies that serve current and future generations. It is extremely difficult for governments to address the current and long-term needs of their constituents without a sound multi-year capital plan that clearly identifies capital and major equipment needs, maintenance requirements, funding options, and operating budget impacts.

The debt service payments related to financing all of these projects have been incorporated into our General Fund forecasts.



Conor Baldwin  
 Chief Financial Officer

**FINANCIAL ANALYSIS – ACTUAL AND BUDGETED REVENUES**

Fiscal Year	Total Amounts to Be Raised	Annual Growth Rate	Compounded Annual Growth Factor (CAGF)
2008	\$ 308,711,540	<i>N/a</i>	} 2.3%
2009	\$ 318,636,488	3.21%	
2010	\$ 308,847,270	-3.07%	
2011	\$ 311,646,472	0.91%	
2012	\$ 321,111,145	3.04%	
2013	\$ 328,095,926	2.18%	
2014	\$ 342,975,498	4.54%	
2015	\$ 364,130,698	6.17%	
2016	\$ 358,051,834	-1.67%	
2017	\$ 365,886,534	2.19%	
2018	\$ 376,248,783	2.83%	
2019	\$ 391,858,652	4.15%	
2020	\$ 407,340,917	3.95%	
2021	\$ 416,861,514	2.34%	
2022	\$ 426,604,631	2.34%	
2023	\$ 436,575,470	2.34%	
2024	\$ 446,779,353	2.34%	
2025	\$ 457,221,727	2.34%	
2026	\$ 467,908,165	2.34%	
2027	\$ 478,844,373	2.34%	
2028	\$ 490,036,188	2.34%	
2029	\$ 501,489,584	2.34%	
2030	\$ 513,210,675	2.34%	



Conor Baldwin  
Chief Financial Officer

**FINANCIAL ANALYSIS – EXISTING DEBT OBLIGATION AS A PERCENTAGE OF  
BUDGETED REVENUES**

<b>Fiscal Year</b>	<b>Existing Net Debt Service Obligation (ALL FUNDS)</b>	<b>Projected Budgeted Revenue</b>	<b>Debt Service as a Percentage (%) of Projected Budgeted Revenue</b>
2020	\$ 23,008,478	\$ 400,447,413	5.75%
2021	\$ 22,309,576	\$ 409,224,423	5.45%
2022	\$ 21,332,716	\$ 418,193,807	5.10%
2023	\$ 19,079,786	\$ 427,359,782	4.46%
2024	\$ 18,150,913	\$ 436,726,658	4.16%
2025	\$ 17,858,757	\$ 446,298,836	4.00%
2026	\$ 16,409,214	\$ 456,080,818	3.60%
2027	\$ 15,831,136	\$ 466,077,201	3.40%
2028	\$ 15,227,993	\$ 476,292,685	3.20%
2029	\$ 12,252,991	\$ 486,732,072	2.52%
2030	\$ 11,609,705	\$ 497,400,269	2.33%



Conor Baldwin  
Chief Financial Officer

## FINANCIAL ANALYSIS – DEBT LIMIT CALCULATIONS

### DEBT LIMIT CALCULATION

<b>Equalized Valuation as of January 1, 2018</b>	\$	8,192,976,800
<b>Debt Limit (5% of Equalized Valuation)</b>	\$	<b>409,648,840</b>
		<hr/>
Total Outstanding Debt as of June 30, 2020 <sup>1</sup>		264,438,247
Total Authorized/ Unissued Debt as of June 30, 2019 (Approximate)	\$	506,929,000 <sup>2</sup>
<b>Total Outstanding Debt Plus Total Authorized/ Unissued Debt</b>	<b>\$</b>	<b>771,367,247</b>
		<hr/>
Amount of Outstanding Debt Outside the Debt Limit	\$	54,675,380
Appx. Amount of Authorized/ Unissued Debt Outside the Debt Limit	\$	471,833,158
<b>Outstanding Debt plus Authorized/ Unissued Outside the Debt Limit</b>	<b>\$</b>	<b>526,508,538</b>
		<hr/>
Total Outstanding Debt Plus Total Authorized/ Unissued Debt	\$	771,367,247
Less: Outstanding Debt plus Authorized/ Unissued Outside the Debt Limit	\$	526,508,538
<b>Debt Subject to the Debt Limit</b>	<b>\$</b>	<b>244,858,709</b>
Debt Limit (5% of Equalized Valuation)	\$	409,648,840
<b>Remaining Borrowing Capacity Under Debt Limit</b>	<b>\$</b>	<b>164,709,131</b>

<sup>1</sup> Projected debt as of 3/24/2020

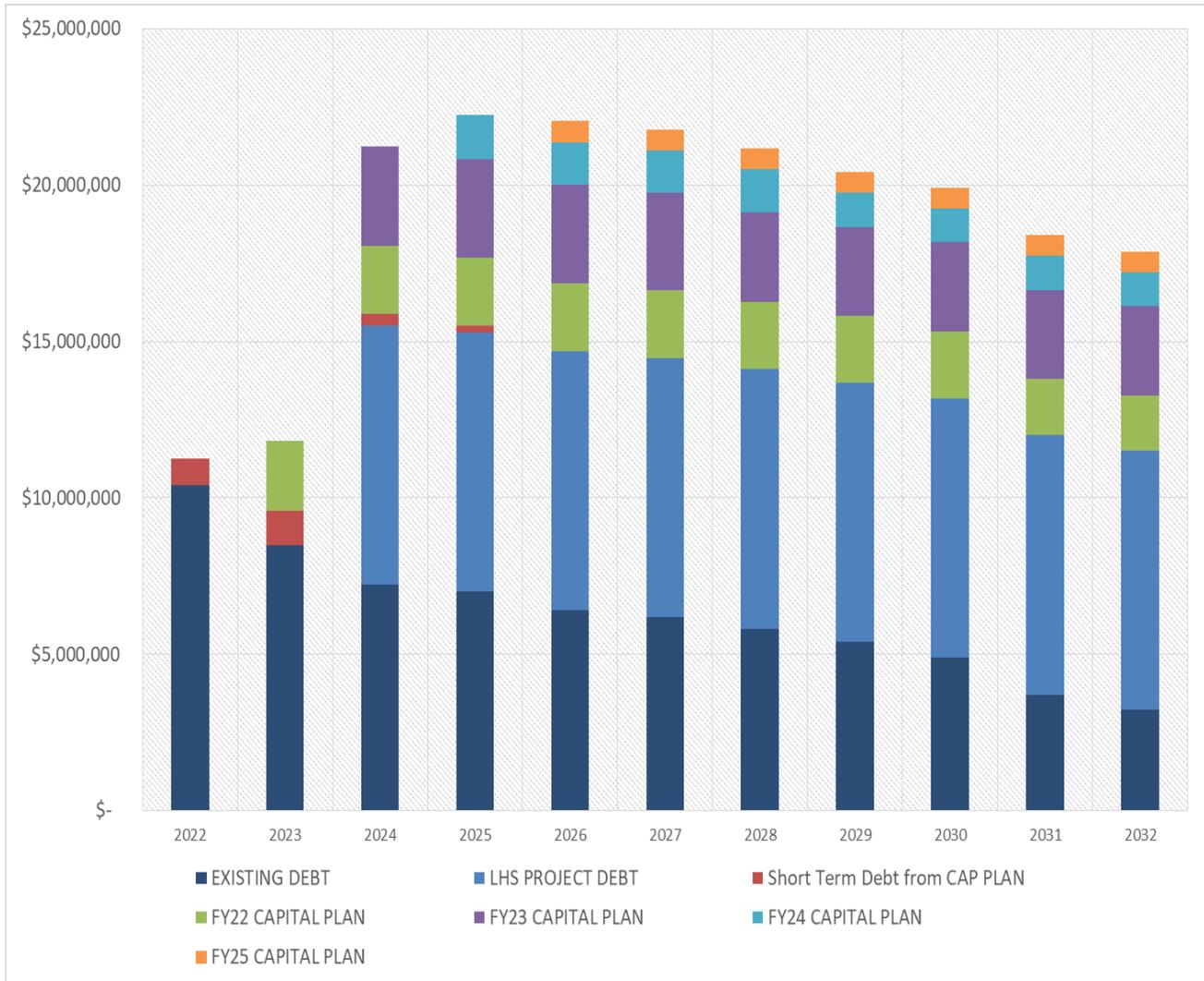
<sup>2</sup> Currently, the City has approximately \$506.929 million (excluding authorized refundings) of authorized unissued debt outstanding, comprised of the following: \$340.899 million school bonds authorized for construction and reconstruction of a new high school. The total amount authorized for this project will be reduced to the extent of school building grant funds paid to the City by the Massachusetts School Building Authority (MSBA). The reimbursement rate will be approximately 80% of reimbursable project costs.

\$67 million sewer and \$45 million water bonds authorized for the reconstruction of water and sewer mains and facility upgrades throughout the City. The City is aggressively working to maintain and improve its water and sewer infrastructure. Financing will be through the Massachusetts Clear Water Trust. Rates will be raised to support this debt as it is issued. Additionally, the City will have authorized unissued debt of approximately \$49 million for various capital improvements.



Conor Baldwin  
Chief Financial Officer

## FINANCIAL ANALYSIS – 10 YEAR DEBT SERVICE FORECAST (INCLUDES LHS DEBT)





Conor Baldwin  
 Chief Financial Officer

Detailed Debt Service for 5-year phase in of capital

City of Lowell, Massachusetts

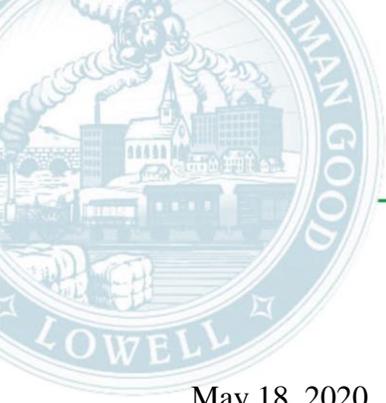
Projected Interest Rate on Bonds Dated September 1, 2019: 3.50%  
 Projected Interest Rate on Bonds Dated September 1, 2020: 4.00%  
 Projected Interest Rate on Bonds Dated September 1, 2021-2023: 4.50%  
 Projected Interest Rate on Bonds Dated September 1, 2024: 5.00%

5-Year General Fund Capital Plan

Fiscal Year	A Existing General Fund Debt Service	B Less: Existing QECCB & RZEDB Subsidies	C Less: Existing MSBA Subsidies	D Equals: Net Existing General Fund Debt Service	E Plus: Bonds dated 9/1/19 (see pages 4-7)	F Plus: Bonds dated 9/1/20 (see pages 8-10)	G Plus: Bonds dated 9/1/21 (see pages 11-14)	H Plus: Bonds dated 9/1/22 (see pages 15-18)	I Plus: Bonds dated 9/1/23 (see pages 19-22)	J Plus: Bonds dated 9/1/23 (see pages 23-24)	K Equals: Existing and Projected General Fund Debt Service
2020	9,815,824	(192,793)	(1,192,791)	8,430,241	164,254	-	-	-	-	-	8,594,495
2021	9,258,769	(178,611)	(1,192,791)	7,887,367	1,164,585	504,866	-	-	-	-	9,556,818
2022	8,812,366	(163,427)	(1,192,790)	7,456,149	1,168,238	2,566,260	361,624	-	-	-	11,552,271
2023	6,912,931	(147,851)	(1,192,787)	5,572,293	1,171,650	2,558,300	1,893,500	272,075	-	-	11,467,818
2024	5,662,880	(131,882)	-	5,530,998	908,563	2,561,100	1,901,025	1,626,472	146,785	-	12,674,942
2025	5,443,241	(115,521)	-	5,327,721	899,325	2,561,100	1,912,750	1,628,225	932,623	199,075	13,460,818
2026	4,883,029	(98,767)	-	4,784,262	889,563	2,553,400	1,901,775	1,624,900	958,175	1,044,575	13,756,650
2027	4,667,593	(80,417)	-	4,587,176	889,100	2,430,400	1,898,325	1,624,213	950,663	1,047,500	13,427,376
2028	4,316,174	(61,637)	-	4,254,537	887,763	2,436,800	1,110,175	1,621,050	946,913	1,051,500	12,308,737
2029	4,048,315	(42,367)	-	4,005,947	409,038	2,435,100	1,103,113	799,200	941,813	1,048,625	10,742,835
2030	3,748,339	(22,607)	-	3,725,731	408,188	2,440,200	1,099,813	794,450	319,538	1,053,750	9,841,669
2031	2,530,605	(2,274)	-	2,528,331	397,163	2,432,100	1,109,825	793,688	320,538	413,125	7,994,768
2032	2,027,784	-	-	2,027,784	400,875	1,401,800	1,103,150	791,800	306,425	417,500	6,449,334
2033	1,381,100	-	-	1,381,100	408,975	1,390,100	753,000	788,788	307,200	416,250	5,445,413
2034	1,106,531	-	-	1,106,531	239,525	1,396,600	739,825	457,188	302,638	414,500	4,656,806
2035	969,375	-	-	969,375	237,788	1,400,900	740,863	447,450	248,975	412,250	4,457,600
2036	831,425	-	-	831,425	250,613	1,398,100	745,663	442,375	246,213	282,750	4,197,138
2037	234,850	-	-	234,850	248,000	148,700	749,113	446,625	243,225	276,250	2,346,763
2038	227,425	-	-	227,425	245,213	143,700	648,575	445,088	249,788	279,500	2,239,288
2039	-	-	-	-	242,250	143,600	654,050	301,138	250,788	277,375	1,869,200
2040	-	-	-	-	239,113	143,300	648,400	309,663	212,238	279,875	1,832,588
2041	-	-	-	-	-	142,800	641,850	302,625	204,363	277,000	1,568,638
2042	-	-	-	-	-	-	644,175	305,138	196,488	278,750	1,424,550
2043	-	-	-	-	-	-	-	311,863	208,163	284,875	804,900
2044	-	-	-	-	-	-	-	-	199,388	280,500	479,888
2045	-	-	-	-	-	-	-	-	-	280,750	280,750
2046	-	-	-	-	-	-	-	-	-	192,750	192,750
2047	-	-	-	-	-	-	-	-	-	191,625	191,625
2048	-	-	-	-	-	-	-	-	-	190,250	190,250
2049	-	-	-	-	-	-	-	-	-	193,500	193,500
2050	-	-	-	-	-	-	-	-	-	191,375	191,375
2051	-	-	-	-	-	-	-	-	-	193,875	193,875
2052	-	-	-	-	-	-	-	-	-	191,000	191,000
2053	-	-	-	-	-	-	-	-	-	192,750	192,750
2054	-	-	-	-	-	-	-	-	-	194,000	194,000
2055	-	-	-	-	-	-	-	-	-	194,750	194,750
<b>Total</b>	<b>76,878,557</b>	<b>(1,238,155)</b>	<b>(4,771,159)</b>	<b>70,869,244</b>	<b>11,869,777</b>	<b>33,189,226</b>	<b>22,360,586</b>	<b>16,134,010</b>	<b>8,692,932</b>	<b>12,242,150</b>	<b>175,357,925</b>

Assumptions:

- † Existing General Fund Debt Outstanding Projected as of June 30, 2019.
- † Proposed issues structured on a level debt basis.



Eileen M. Donoghue  
*City Manager*

May 18, 2020

Mayor John J. Leahy  
And  
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

I herewith submit for approval a loan order in the amount of \$6,771,100 to advance the city's comprehensive five year capital plan. This loan order represents the third year of a revamped five-year capital improvement plan ("CIP") under my Administration. When I became City Manager in April 2018, I shared my vision for the City; a vision focused on key areas including economic development, fiscal management, public safety, education, partnerships, strong neighborhoods, and diverse cultural and arts programs. The City of Lowell has seen marked improvement in all statistical measures of those key focus, as identified in the annual operating budget. This success vindicates the capital funding decisions of the Council and the focused direction of the priorities of the residents. Coupled with the Administrations operational austerity each year, the capital position of the City is well poised to undertake the pending infrastructure needs, including the most significant school building project in the history of the Commonwealth.

The capital budget is one of the most significant components of the city's financial plan. Decisions made during this process will have an impact on the City of Lowell and its budgets for years to many years to come. The city uses its five-year financial projections for revenue and expenditures, in addition to its five-year capital plan, to formulate budget guidelines for departments. Despite the tight deadline presented to department heads for submitting projects to the finance department, every department submitted projects for consideration in a timely manner. I am thankful for the diligent efforts of my staff to coordinate this worthy endeavor. Capital planning is critical component of municipal governance. Buildings, infrastructure, technology, and major equipment are the physical foundation for providing services to constituents. The procurement, construction, and maintenance of capital assets require careful planning and therefore a prescribed process for prioritization of the many projects must be followed. A properly prepared capital plan—one which contains recommendations from subject matter experts at City Hall and balances fiscal realities with the desires of the residents and the direction of the City Council—is essential to the future financial health of the organization.



Eileen M. Donoghue  
*City Manager*

Within the operating budget is the city's comprehensive five-year capital plan document which includes a comprehensive capital plan outlook for the next five years, capital planning policy which takes into account the City of Lowell's unique organizational characteristics, and a detailed analysis of the debt service impact to the operational budget. A memorandum from Chief Financial Officer Conor Baldwin which further details and analyzes the financial impact of the debt associated with these projects is also enclosed.

The capital loan order enclosed herein is the funding mechanism for the critical projects scheduled for the coming year. Despite the ever uncertain circumstances surrounding the COVID-19 crisis, I am recommending approval in order to secure the funding for these projects to commence forthwith as soon as the time is right. The full capital budget document, as normally occurs in the budget calendar, will be presented with the budget at such a time that the full-year budget is presented for appropriation by the City Council. This loan order must be referred to a public hearing.

Sincerely,

Eileen M. Donoghue  
City Manager

cc: Conor Baldwin, Chief Financial Officer

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of Ordinances, City of Lowell, Massachusetts," with respect to Chapter 167, Hawkers and Peddlers by amending certain sections entitled Mobile Food Vendors.

-----

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

1. "The Code of Ordinances of the City of Lowell, Massachusetts", adopted by the City Council on December 23, 2008, as amended, is hereby amended as follows:

2. **Amend §167-7 C.(3)(e) as re-lettered to delete the word 'April' and add the word 'June'.**

The paragraph now reads as follows:

"(e) Each mobile food vendor permit shall expire on June 1 of every year."

3. **Amend 167-7 C.(4)(e) as re-lettered to delete the word 'April' and add the word 'June'.**

The paragraph now reads as follows:

"(e) Each mobile food vendor permit shall expire on June 1 of every year."

4. **Amend 167-7 F.(1)(b) to insert the word "metered" between 'designated' and 'parking'**

The paragraph now reads as follows:

"(b) Mobile Food Truck must fit within a designated metered parking space or spaces and follow the below criteria:"

1. Pay for parking spot or spots they occupy;

2. Cannot locate in a 15 minute parking spot or handicapped parking spot;
3. Cannot locate in a loading zone or bus stop;
4. Cannot locate in a crosswalk or sidewalk;
5. Cannot locate within 20 feet of an intersection;
6. Cannot locate within 10 feet of a fire hydrant;
7. Cannot locate in front of someone's driveway.

**5. Add new #8 as follows:**

- "8. Cannot use the City sidewalk to stage any mobile food vendor equipment with the exception of the trash receptacle as required in G. below."

**6. Amend 167-7 F.(1)(c) by adding a new #3 and #4 and deleting the existing #3 and #4 shall now read as follows:**

c. Mobile Food Vendors wishing to use a metered parking space for more than two hours may reserve spaces through the City's Parking Department by contacting 978-674-4014. In such instances, the following terms and conditions shall apply:

- "3. The deposit is set in the City of Lowell Ordinance, Ch. 266, and must be made by check only, refundable once the bags have been returned.
4. The rental check in the amount set in the City of Lowell Ordinance, Ch. 266, is also required at the time of issuance."

**7. Amend 167-7G to add to the Special Considerations**

"(5) Mobile Food Vendors must post their permit where it is clearly visible from their customer service window. Such permit shall state the location(s) that the vendor is permitted to operate. Operation by a vendor in a location not listed on the permit shall be a violation of this chapter.

(6) Mobile Food Vendors may also be allowed to operate in locations permitted under an event permit from the office of Cultural Affairs and Special Events. Such vendors must be inspected and permitted as described in C above, but do not require City Council approval. Such vendors shall be issued an “Events Only” permit, which does not allow operation within the City other than at permitted events.

(7) If a Mobile Food Vendor wishes to apply for a new location, or to renew an existing permit, they must submit an application to the Division of Development Services as noted in C above. Pre-existing licenses shall be grandfathered for the current license holder at their current location.”

**“8. By creating a new section entitled H. Enforcement to read as follows:**

(1) Enforcement of Chapter 167-7 shall be performed by inspectors of the Division of Development Services and the Lowell Police Department;

(2) Violation of any portion of this chapter shall be punishable by a fine of up to \$300 per day as set forth in the City of Lowell Fee Ordinance, Ch. 150 and may result in the rescission of the applicant’s mobile food vendor permit.

9. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance, which remaining portions shall continue in full force and effect.

10. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 and 40A of the General Laws of the Commonwealth of Massachusetts.



Christine P. O'Connor  
City Solicitor



**Diane N. Tradd**  
*Assistant City Manager/DPD Director*

**R. Eric Slagle**  
*Director of Development Services*

**Shaun Shanahan**  
*Building Commissioner*

May 21, 2020

City Manager Eileen Donoghue

Mayor John Leahy

Members of the City Council

Re: Vote –To Amend the Mobile Food Vendor Ordinance and the Fee Ordinance

Dear Madam Manager, Mayor Leahy and Members of the City Council:

The attached Votes would enact the changes proposed and approved by the City Council at the May 12, 2020 City Council meeting regarding the Mobile Food Vendor Ordinance, and add a section to the Fee Ordinance regarding the fine for violating said ordinance. Please see the redlined version of the amended ordinance, attached hereto.

Yours very truly,

R. Eric Slagle

Director, Development Services

## Chapter 167 Hawkers and Peddlers

[HISTORY: Adopted by the City Council of the City of Lowell 4-26-1988 as Ch. 11, Art. VI of the 1988 Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Advertising — See Ch. 91.

Canvassers and solicitors — See Ch. 125.

Fees — See Ch. 150.

Junk and secondhand dealers — See Ch. 185.

Noise — See Ch. 204.

Streets and sidewalks — See Ch. 243.

...

§ 167-7 Mobile food vendors. [Added 9-13-2016]

#### A. Mobile food vendors introduction.

(1) In order to protect public health and safety to compliment and promote the business environment and the atmosphere of the Lowell National Park, to encourage visitors to the City and to foster the various City attractions, it is declared that it is a reasonable exercise of the police powers of the City of Lowell to establish a license and permit process for mobile food vendors; license required.

(2) Any person who engages in business in the Commonwealth of Massachusetts selling edible goods who is not required to be licensed as a temporary vendor under MGL c. 101, § 3, or as a hawker or peddler under MGL c. 101, § 22, shall be required, before transacting business, to apply to the City of Lowell City Council for a license to conduct such business as a mobile food vendor in the City of Lowell.

(3) Mobile food vendors may operate in the City of Lowell throughout the year but shall abide by all established parking rules and regulations, including seasonal parking bans on both private and public properties.

(4) Mobile food vendors may operate in the City from the hours of 6:00 a.m. until 2:00 a.m.

#### B. Definitions. As used in this section, the following terms shall have the meanings indicated:

##### EDIBLE GOODS

Includes, but are not limited to:

(1) Prepackaged food, including but not limited to candy, beverages and ice cream.

(2) Prepared food, including but not limited to hot dogs, desserts, pizza.

(3) On-site prepared food, including but not limited to shaved ice, sandwiches, and tacos.

#### FOOD SERVICE ESTABLISHMENTS

Businesses that sell edible goods and have been inspected and approved by the City of Lowell's Division of Development Services, including commercial kitchens and commissaries.

#### MOBILE

The state of being active, but not continuous movement.

#### MOBILE FOOD VENDOR

Any person or entity engaged in the business of edible goods from a mobile food facility within the City of Lowell. This term includes, but is not limited to:

- (1) Mobile food truck: a self-contained motorized unit selling items defined as "edible goods" at a stationary location.
- (2) Mobile food pushcart: a nonmotorized unit that is limited in the types of edible goods it sells at a stationary location.
- (3) Mobile canteen truck: a self-contained motorized unit selling items defined as "edible goods" that moves from place to place and is not stationary in the same location for more than 30 minutes.

#### STATIONARY LOCATION

The position of the mobile food vendor when not in motion and addressing the public for the purpose of sales.

#### C. Permit and application process.

- (1) Permit. Every mobile food vendor shall have an annual permit issued by the City of Lowell to conduct business in the City.
- (2) Application. An applicant shall apply for a permit through an application form produced by the City of Lowell's Division of Development Services.
- (3) Private property application process. The application shall be processed through the following procedure:
  - (a) Application submitted to the City of Lowell's Division of Development Services office.
    - [1] Application must include a letter of agreement from the property owner indicating permission to locate on the property.
    - [2] Application must include plans indicating where the vendor intends to locate on the private property.
    - [3] Application must include plans to indicate the mobile food vendor will comply with the Americans With Disabilities Act (ADA).

(b) Application shall be reviewed by designated Development Services staff.

(c) Once approved and deemed eligible by Development Services, the mobile food vendor may obtain a mobile food vendor permit by being inspected by:

[1] Senior Sanitary Code Enforcement Officer.

[2] Fire Prevention and Code Enforcement Office.

[3] Police Department.

(d) The City of Lowell Division of Development Services Department may then, and only then, approve a mobile food vendor permit.

(e) Each mobile food vendor permit shall expire on ~~June~~April 1 of every year.

(f) The permit shall not be transferable from person to person without the written approval from the City.

(g) The permit is valid for one vehicle only.

(4) Public property application process. The application shall be processed through the following procedure:

(a) Application submitted to the City of Lowell's Division of Development Services office.

[1] Application must include plans indicating where the mobile food vendor intends to locate on public property.

[2] Application must include plans to indicate the mobile food vendor will comply with the Americans With Disabilities Act (ADA).

(b) Application shall be reviewed by designated Development Services staff.

(c) Once approved and deemed eligible by Development Services, the mobile food vendor may obtain a mobile food vendor permit by being inspected by:

[1] Senior Sanitary Code Enforcement Officer.

[2] Fire Prevention and Code Enforcement Office.

[3] Police Department.

(d) The City of Lowell Division of Development Services Department may then, and only then, approve a mobile food vendor permit.

(e) Each mobile food vendor permit shall expire on ~~April~~June 1 of every year.

(f) The permit shall not be transferable from person to person without the written approval from the City.

(g) The permit is valid for one vehicle only.

D. Restricted locations.

(1) Mobile food vendors are restricted in the Central Business District.

(a) Central Business District is that area of downtown bounded as shown on the map on file at the office of Development Services Division.

E. Private property locations.

(1) Mobile food vendors that will be locating in private property are not allowed in residential zones or on lots whose use is strictly residential.

(2) Mobile canteen trucks are only allowed to operate on any open construction sites or businesses.

(a) The truck must be pulled up on the construction site or business in order to vend legally.

F. Public property locations.

(1) If locating on a public street, mobile food vendors must follow all parking regulations.

(a) Mobile food pushcarts are not allowed to locate on public streets due to safety concerns.

(b) A mobile food truck must fit within a designated metered parking space or spaces and follow the below criteria:

- [1] Pay for parking spot or spots they occupy;
- [2] Cannot locate in a fifteen-minute parking spot or handicapped parking spot;
- [3] Cannot locate in a loading zone or bus stop;
- [4] Cannot locate in a crosswalk or sidewalk;
- [5] Cannot locate within 20 feet of an intersection;
- [6] Cannot locate within 10 feet of a fire hydrant;
- [7] Cannot locate in front of someone's driveway.

[8] Cannot use the City sidewalk to stage any mobile food vendor equipment, with the exception of the trash receptacle as required in G. below.

(c) Mobile food vendors wishing to use a metered parking space for more than two hours may reserve spaces through the City's Parking Department by contacting 978-674-4014. In such instances, the following terms and conditions shall apply:

- [1] Metered space bags are issued by the employees of the City of Lowell Parking Department during business hours.
- [2] A rental form, deposit check and check for rental fee must be furnished at time of issuance.

[3] The deposit is set in the City's General Ordinances, Ch. 266, and must be made by check only, refundable once the bags have been returned.

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[4] The rental check in the amount set in the City's General Ordinances, Ch. 266, is also required at the time of issuance. [3] The deposit is \$50 per space, check only, refundable once the bags have been returned.

[4] The rental check in the amount of \$10 per space per day is also required at the time of issuance.

[5] If the bag is not returned, or returned in an unusable condition, the deposit will not be refunded.

[6] If a space is bagged for any portion of a day when metered parking is in effect, the renter will be charged for the full day.

[7] Bags for metered spaces must be attached four hours before the no-parking area becomes enforceable. Vehicles present in a space prior to it being bagged may not be removed for 24 hours once the bag has been installed.

(2) If locating on any City or state property the mobile food vendor must obtain permission from the City or State.

#### G. Special considerations.

(1) Preexisting licenses shall be grandfathered for the current license holder at his or her current location.

(2) Mobile food vendor business windows must face the sidewalk or curb when parked on a City street.

(3) Mobile food vendors must supply a clearly marked trash receptacle in the immediate vicinity of their mobile food trucks or mobile food pushcarts.

(4) Mobile food vendors must pick up, remove and dispose of all trash and refuse dispensed from their mobile food trucks or mobile food pushcarts before leaving the area.

(5) Mobile Food Vendors must post their permit where it is clearly visible from their customer service window. Such permit shall state the location(s) that the vendor is permitted to operate. Operation by a vendor in a location not listed on the permit shall be a violation of this chapter.

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(6) Mobile food vendors may also be allowed to operate in locations permitted under an event permit from the office of Cultural Affairs and Special Events. Such vendors must be inspected and permitted as described in C above. Such vendors shall be issued an "Events Only" permit, which does not allow operation within the City other than at permitted events.

(7) If a mobile food vendor wishes to apply for a new location, or to renew an existing permit, they must submit an application to the Division of Development Services as noted in C above.

H. Enforcement.

(1) Enforcement of Chpt. 167-7 shall be performed by inspectors of the Division of Development Services and the Lowell Police Department;

(2) Violation of any portion of this chapter shall be punishable by a fine of up to \$300 per day and may result in the rescission of the applicant's mobile food vendor permit.

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COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the "Code of Ordinances City of Lowell, Massachusetts", as amended, by amending Chapter 243, Article IV Sidewalks Generally by suspending §243-23 entitled "Sidewalk seating outside restaurants" in its entirety and temporarily replacing it with new language entitled "Street Seats in the Public Space".

-----

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances of the City of Lowell, Massachusetts", adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 243 by suspending §243-23 "Sidewalk seating outside restaurants" in its entirety and temporarily replacing it with "Street Seats in the Public Space".

**§243-23 Street Seats in the Public Space.**

**Purpose.**

The City of Lowell is creating a temporary program to allow restaurants to operate in outdoor settings. The intent of the program is to allow for greater physical distancing and safety for customers when the Commonwealth's public health orders allow restaurants to resume sit-down service, as outlined in Phase 2 of reopening Massachusetts. This is a temporary program to support our local eateries and residents. It will be available for the duration of the outdoor summer dining season through October 31, 2020, at which time the City may evaluate a potential expansion of the program. The City reserves the right to require the user to remove the street seat if and when it determines it to be necessary, for any reason and at any time. All furnishings and lighting must be easily removed at the end of the program period.

This temporary program does not apply to mobile food trucks/carts. These businesses have been able to serve, and continue serving, to-go food while following social distancing, sanitary, and hygiene practices.

## 1. Definitions:

**SIDEWALK CAFÉ:** an outdoor dining space located in the public ROW on a designated portion of the sidewalk adjacent to the participating restaurant.

**STREATERY:** a private seating area located in the public ROW that converts curbside parking spaces into an outdoor dining space for customers of the adjacent, participating restaurant.

## 2. Requirements

During the business hours of the participating restaurant, no portion of the sidewalk café or streatory seating may be used for any purpose other than dining or circulation. Restaurants with sidewalk café or streatory seating areas must serve food. No one shall be seated in a sidewalk café or streatory seating area for the sole purpose of drinking alcohol. Each establishment must maintain control of its operations and food and beverage service within its own outdoor premises. To prevent additional encroachment onto public space and to contain the sale of alcohol within the sidewalk café or streatory seating area, the area must be separated from the pedestrian walk space with a non-movable system of enclosure, such as decorative fencing with removable bollards. Sidewalk cafés or streateries that do not serve alcohol do not need this non-movable system of enclosure.

Business may not share outdoor premises, because it will make performing contact tracing difficult. Requirements may evolve to reflect new public health guidelines and the City reserves the right to revoke these approvals at any time.

All seating areas must comply with all applicable federal, state, and local laws and regulations, including the Americans with Disabilities Act.

Subject to other restrictions, sidewalk cafes and streateries in City right-of-way (ROW) are permissible in four zoning districts: Neighborhood Business (NB), Traditional Mixed-Use (TMU), Urban Mixed-Use (UMU), and Downtown Mixed-Use (DMU). Outdoor dining on private property is permissible in all zoning districts with eligible businesses.

A sidewalk café may be contiguous to the frontage of the restaurant or contiguous to the sidewalk curb parallel to that frontage. To provide safe, adequate circulation for patrons and pedestrians on the sidewalk, a minimum of four feet is required, but six feet is optimal, of sidewalk shall be available at all times. If a restaurant would like to operate a streatory and a sidewalk café, the two seating areas shall be contiguous.

Total seating shall not exceed the restaurant's maximum occupancy.

Businesses must use their own trash and recycling receptacles. Businesses will be responsible for clearing sidewalks and streateries of all debris after close of business each day. Outdoor dining shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers or other City infrastructure.

**3. Eligible Businesses:** restaurants, cafes, coffee shops, and other similar places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption.

**4. Hours of Operation:** Outdoor patios opened under this program must close by 10PM on Sundays – Thursdays and by 11PM on Fridays and Saturdays. In the event that this temporary ordinance is terminated, or the Commonwealth of Massachusetts allows indoor seating, the hours of operation of those establishments licensed to sell alcoholic beverages shall be determined by the License Commission of the City of Lowell and will be incorporated into the license agreement for the use of the sidewalk café or streaterie.

**5. Temporary Signs:** For the duration of this ordinance, eligible businesses may install temporary signs in excess of the allowed size or number permitted by Section 6.3 of the Zoning Ordinance and the Article IV § 243-23.1. Sidewalk signs and/or sandwich boards. Temporary signs must be made of fabric, vinyl, paper, or corrugated plastic. These signs cannot be internally illuminated, but they may have lights shining onto them when the eligible business is open. Eligible signs are wall, window, feather, yard, and menu/sandwich board. Signs must be affixed to the eligible business' building or property or within a permitted sidewalk café or streaterie. Signs must allow for at least four feet of clearance for pedestrians, although at least six feet is preferred. Temporary signs that adhere to these requirements do not need a building permit.

**6. Eligible Outdoor area:** Under this program, eligible businesses may be able to temporarily expand into these types of outdoor areas:

1. Private property, including off-street parking lots with the Property Owner's consent.
2. Public ROW, including sidewalk, street parking spaces, and motor vehicle lanes (if designated by the City)

**7. Tents:** The installation of temporary tents will be permitted as part of this application if the tent is secure and no greater than 400 SQ FT. Tents larger than 400 SQ FT, or if they include sides or flaps, may be installed but will require additional approval by the Lowell Fire Department and Division of Development Services.

**8. Application Requirements:** Proposals to expand into the public right-of-way will require:

- a. Rough sketch of expanded area; and of barriers to be installed along ROW; include proposed number of outdoor tables, chairs, and umbrellas.
- b. Proof of liability insurance for the period covered by the license in at least the amount of \$500,000 combined limit for bodily injury and property damage. The

restaurant's ability to operate a street seat shall be conditioned upon the restaurant obtaining and maintaining this insurance.

c. Restaurant needs to be in good standing with the City of Lowell License Commission and Division of Development of Services.

d. Provide property owner consent if proposed outdoor seating area is on private property or expands along the frontage of an adjacent storefront area.

e. Specs and dimensions of installation of proposed tent no greater than 400 SQ FT.

**9. Allowed Uses:** Sidewalk cafés and streatory seating established under this program can only be used for sit-down dining. Without obtaining all other necessary approvals under existing licensing programs, they cannot be used for activities that would promote congregating, involved shared equipment, or amplify sound, including but not limited to:

- Standing areas
- Live music
- Outdoor games
- Music over speakers
- Movies
- Broadcast sports
- Loudspeaker call systems
- Pets, except as provided in the Americans with Disabilities Act

That any other provision of existing Ordinances which is inconsistent with this Ordinance, such provisions shall be temporarily suspended.

This Ordinance is temporary and shall terminate October 31, 2020.

It is intended that this Ordinance is divisible and, if any enumerated Section of this Ordinance to add to or amend the Code, is stricken from this Ordinance, then the Code as it read prior to this Ordinance shall remain in full force and effect.

This Ordinance shall take effect immediately upon its passage in accordance with the provisions of Chapter 43 and Chapter 44 of Massachusetts General Laws.

APPROVED AS TO FORM:

---

Christine P. O'Connor  
City Solicitor

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "The Code of Ordinances City of Lowell, Massachusetts" With Respect to Chapter 150 thereof Entitled, "Fees" by amending certain sections.

-----

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code for the City of Lowell," hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to 150 thereof, by amending certain sections:

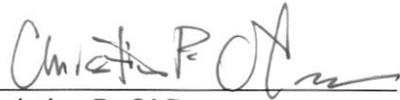
1. By amending Chapter 150, Entitled **Fees; Division of Development Services General Penalties and Fines** by adding the following new number 149.1 as follows:

	<b>Department/Reference</b>	<b>Unit/ Frequency</b>	<b>Fee</b>
149.1	Food Truck Violation.	Per Occurance:	\$300.00/day

2. All provisions of the Lowell City Code, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

3. This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the Massachusetts General Laws.

APPROVED AS TO FORM:

  
Christine P. O'Connor  
City Solicitor



**Diane N. Tradd**  
*Assistant City Manager/DPD Director*

**R. Eric Slagle**  
*Director of Development Services*

**Shaun Shanahan**  
*Building Commissioner*

May 21, 2020

City Manager Eileen Donoghue

Mayor John Leahy

Members of the City Council

Re: Vote –To Amend the Mobile Food Vendor Ordinance and the Fee Ordinance

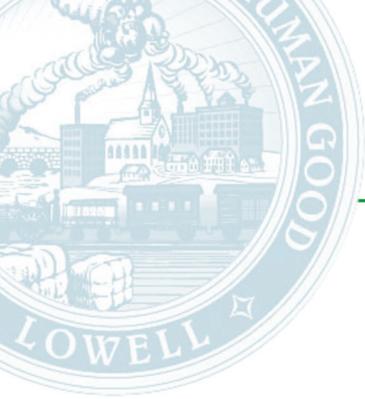
Dear Madam Manager, Mayor Leahy and Members of the City Council:

The attached Votes would enact the changes proposed and approved by the City Council at the May 12, 2020 City Council meeting regarding the Mobile Food Vendor Ordinance, and add a section to the Fee Ordinance regarding the fine for violating said ordinance. Please see the redlined version of the amended ordinance, attached hereto.

Yours very truly,

R. Eric Slagle

Director, Development Services



Diane Nichols Tradd  
Assistant City Manager/DPD Director

Craig Thomas  
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: June 9, 2020

SUBJECT: UPDATE TO COUNCIL MOTIONS AND REQUESTS MADE BY MAYOR LEAHY, COUNCILOR MERCIER AND COUNCILOR ROURKE, RELATIVE TO THE RESTORATION AND IMPROVEMENTS OF CAWLEY STADIUM

DPD and DPW have continued to discuss the necessary facility improvements at Cawley Stadium, and have researched possible funding opportunities. DPW has submitted capital funding requests specifically for Cawley Stadium in the upcoming budget, and have plans for future requests to develop a holistic facilities prioritization and improvements plan. To date, the City has not identified any grant funding sources that will cover costs associated with replacement of the artificial turf; state grants no longer cover turf replacement, but state PARC grant funding could potentially be available for future improvements to the complex.

As discussions related to the needs at Cawley Stadium have continued, staff began to prioritize the items needing the most immediate attention. DPD and DPW determined a professional assessment of the turf conditions was critical to assess existing conditions and to inform decisions about future use of the field. Huntress Associates, a landscape architecture and land planning firm, recently assessed the field turf conditions and it is in their professional opinion the field “has reached the end of its useful life.” Based on this recent assessment, the field can no longer be used for sports until it is replaced. This assessment elevates the criticality of the turf replacement project at Cawley, which is why it was submitted as a critical need in the City’s FY21 Capital Budget.

Huntress has recommended a full turf replacement, with a new resilient underlayment and some additional drainage for the football field. They also recommend an overspray and maintenance cycle for the track surface, and replacement of the long jump landing pits. This work is considered best practice for maintenance on track facilities such as ours. The City is in the process of contracting for

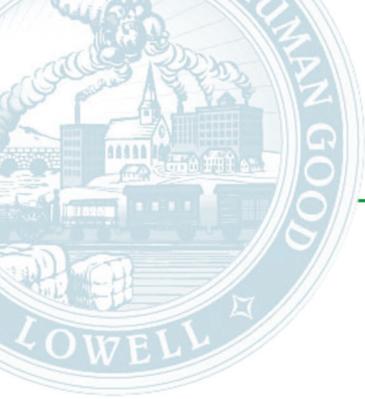
the full design of a new artificial turf at the stadium and the additional track work using existing open space funding. We are working on a very aggressive schedule to have the field designed, and installed prior to the beginning of the 2020 football season for Lowell High School. We are hopeful we can meet this schedule, and Huntress Associates has informed us that not only is this schedule possible, but also beneficial to bid the project at this time.

Huntress has provided the city an initial cost estimate of \$661,310 for design services and construction. DPD, DPW and Parks staff have reviewed the scope of work provided by Huntress and believe it is necessary to move forward with the entirety of the scope as suggested. The turf field conditions are no longer safe for continued use. The work on the track, while not a health and safety issue, is a maintenance issue, the track will deteriorate further if this type of ongoing maintenance is deferred much longer.

This turf replacement project is the first of many facility improvement needs at Cawley Stadium. The City will be seeking opportunities for future PARC grant funding opportunities and other funding sources to complete a comprehensive master improvement plan and prioritization plan of the Cawley Stadium site.

DNT/ns

cc: Christine Clancy, Commissioner of Public Works  
Shannon Cohan, Superintendent of Parks  
Yovani Baez-Rose, Design Planner



Diane Nichols Tradd  
Assistant City Manager/DPD Director

Craig Thomas  
Deputy Director

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: June 9, 2020

SUBJECT: UPDATE TO MOTION OF 5/22/18 BY COUNCILOR CONWAY  
REQUEST CITY MANAGER EXPLORE THE FEASIBILITY OF RELOCATING  
OUR POLICE STATION TO THE SITE OF THE DISTRICT COURT LOCATED  
ON HURD STREET WHEN VACATED BY THE STATE

In 2019 various City departments completed a preliminary assessment of the feasibility of repurposing the existing courthouse located at 41 Hurd Street as a new Lowell police station. A spatial needs assessment completed for the Lowell Police Department (LPD) in September 2015 estimated the total space necessary for an LPD facility for the next twenty years. The estimated total space needed for an LPD facility is approximately 138,000 square feet. The existing size of the Courthouse at 41 Hurd Street is only 47,426 square feet. Meeting the approximately 138,000 square feet would require a new building or a major renovation. Parking, zoning, and historical considerations were discussed as part of this feasibility assessment and were summarized in the previous motion response, and included below with updates.

**Historic**

Any structures or additions would be reviewed by the Historic Board. City members that walked the existing courthouse building concurred that the existing layout is awkward and that renovations would likely be more costly than new construction. The existing MOA for the site restricted demolition of the existing structure.

The City met with DCAMM in May 2019 to discuss the City's initial feasibility assessment. A leading concern was the historical restriction in the current MOA, and especially the awkward layout and current condition of the building. The City expressed interest to DCAMM in repurposing this property for a City facility.

DCAMM reviewed this request for demolition and discussed it with DPD and Historic Board Administrator, Steve Stowell. DCAMM will need approval from the Massachusetts Historical Commission (MHC) for demolition of the existing structure. Earlier this week, Steve Stowell sent DCAMM a draft of the required MHC Project Notification Form (PNF) outlining the need for demolition, and summarizing the immediate need for public parking for submittal to MHC. Once the building is demolished, the property would be used for a municipal parking lot to help ease the parking issues in the HCID/Downtown until future development has been determined.

Note that on February 27, 2020 DCAMM received correspondence from MHC, determining that that proposed project would have an “adverse effect” on the property “through transfer or sale of a State Register property without adequate conditions or restrictions regarding preservation, maintenance or use of the property; and the destruction of a State Register property.” The MHC also stated that they anticipate working with DCAMM and the City to seek ways to avoid, minimize, or mitigate the adverse effect of the proposed demolition.

### **Acquisition of Property**

DCAMM had the property appraised based upon the value of the underlying land minus the demolition costs for municipal use. The appraised market value of the property is \$485,000 for municipal use. DCAMM has stated that the cost to purchase the property is non-negotiable.

DCAMM would like to move forward with the disposition of the property. At this time the City Council should determine if it is in the best interest of the City to acquire the property from the state for \$485,000, work with MHC to mitigate the adverse effect of the proposed demolition, demolish the building for approximately \$800,000, and build an approximate 120 space parking lot for \$250,000. Future commercial or residential development could be considered, but would require a reappraisal by DCAMM.

DNT/ns

cc: Christine Clancy, PE, City Engineer  
Chief Richardson, Lowell Chief of Police  
Steve Stowell, Historic Board Administrator



Diane N. Tradd  
Assistant City Manager/DPD Director

R. Eric Slagle  
Director of Development Services

David Fuller  
Building Commissioner

TO: Eileen Donoghue, City Manager *EMD*  
FROM: R. Eric Slagle, Director of Development Services  
DATE: June 4, 2020  
RE: Motion by C. Mercier – Req. City Manager Have Planet Aid Yellow Boxes  
Removed From St. Hilaire’s Car Wash; And Request A Report Regarding Other  
Planet Aid Boxes Throughout The City Which Are In Violation Of City Codes And  
Regulations.

This memorandum addresses the request from Councilor Mercier to address the clothing donation box at 1682 Middlesex St., St. Hilaire’s Car Wash.

Since the last report to the Council on this issue, the Planet Aid boxes at 1682 Middlesex St. which were causing a rash of illegal dumping have been requested to be removed, at the request of both the City and the property owner. In the interim, the property owner has taped off the area around the boxes and put up signs indicating that the boxes are no longer accepting donations. Since the tape and signs went up, we have not observed any illegal dumping at the site. We anticipate Planet Aid picking up the box shortly.

Councilor Mercier has also requested a report of other donation boxes throughout the City. It is important to note that the vast majority of donation boxes are not a problem for the City, and do not generate resident complaints. While we understand that there are a small percentage of donation boxes that cause neighborhood issues, there are concerns that wholesale removal of these boxes may generate more illegal dumping of recyclable items. The one other Planet Aid location that was a problem was at the Harmon’s Paint location at 314 Market St. Staff reached out to the property owner regarding the problem box, and the area has subsequently been cleaned up. We notified the owner that, if the location continued to have illegal dumping because of the box, we would require the box to be removed, and the owner agreed.

The other location that was mentioned was the donation box located at the Reilly School. We had a single complaint for that location, and the items around the box were cleaned up. We are reaching out to DPW and the School Department to clarify the process for these boxes locating on City property. Development Services is also working with the Law Department to investigate other methods to regulate donation boxes throughout the City.

ES  
06/04/2020



Diane N. Tradd  
*Assistant City Manager/DPD Director*

R. Eric Slagle  
*Director of Development Services*

David Fuller  
*Building Commissioner*

TO: Eileen Donoghue, City Manager *EMD*  
FROM: R. Eric Slagle, Director of Development Services  
DATE: June 3, 2020  
RE: Motion by C. Chau - Req. City Mgr. Investigate And Update Council Regarding The Collapsed And Abandoned Property Located At 242 Lakeview Avenue Whose Work Order Expired On 12/19/2018.

This memorandum addresses the request from Councilor Chau to investigate the property located at 242 Lakeview Ave.

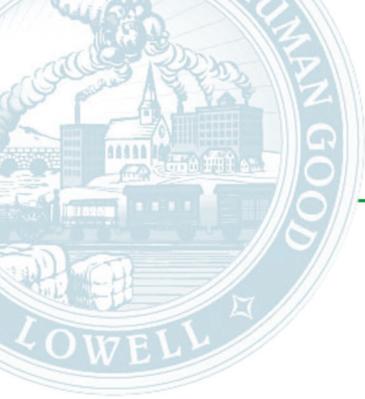
The property at 242 Lakeview Ave. originally came on the radar of Development Services back in 2018, when a former owner proposed to convert it to a sober home. At the time, Development Services was informed the construction had started on the property without a permit. Though the contractor had applied for a permit, the permit had not yet been issued. A stop work order was issued on the job, and the permit was eventually issued. However, even though the use as a sober home was allowed by right, the City required certain life safety upgrades to the property (sprinklers, etc.) as a part of the change of use. The contractor/owner was not prepared to make these upgrades, and the permit was withdrawn on December 19, 2018.

The applicant pulled another permit to remodel the structure in March of 2019, but that permit was also withdrawn once the scope of the renovation was determined.

The property was sold in April of 2019 to Julio Cortez, and Mr. Cortez has informed the City that he would like to completely demolish the structure and build new residential construction. As yet, the owner has not pulled any permits to do so, and has indicated this spring that the pandemic is currently part of the delay.

The property has a garage in the rear of the property that has partially collapsed, which is fully fenced, allowing no access. The main structure is boarded and secured. Building Commissioner David Fuller communicated this week with Mr. Cortez, who submitted conceptual plans for a new residential structure on the property, and indicated that he will be pulling a permit to demolish the existing structures. We will continue to work with the property owner to make sure the appropriate permits are pulled for the work.

ES  
06/03/2020



Diane Nichols Tradd  
*Assistant City Manager/DPD Director*

Craig Thomas  
*Deputy Director*

MEMORANDUM

TO: Eileen M. Donoghue, City Manager *EMD*

FROM: Diane N. Tradd, Assistant City Manager/DPD Director

DATE: June 9, 2020

SUBJECT: PETITION OF 03/24/20 BY SIDETH KUCH  
REQUEST HANDICAPPED SIGN AT 682 BROADWAY STREET

The Transportation staff conducted a field visit to the above-mentioned location, as well as a review of the current traffic ordinances to determine if a handicapped parking space could be designated at this location.

Current City of Lowell ordinances do not include a handicapped spot at this location. Current conditions at this location include a long driveway and a 2-car garage. There is a LRTA bus stop for bus 6 in front of the property. The property has 29 feet of street frontage. This is insufficient frontage to accommodate both a bus stop and a handicapped parking space.

Due to the information above, the Transportation staff cannot install a handicapped space at this location.

AH/ns

cc: Natasha Vance, Transportation Engineer  
Alan Heredia, Assistant Transportation Planner

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Pursuant to Mass. G.L. Ch.44 §32 the City Council of the City of Lowell acknowledges timely receipt from the City Manager on May 26, 2020, of the recommended one-twelfth Budget for the City of Lowell for July of Fiscal Year 2021, with the understanding that any recommended revisions as may be submitted by the City Manager at a later date, and prior to the date of final approval by the City Council of the one-twelfth Budget, shall collectively be considered the proposed one-twelfth Budget for Fiscal Year 2021 for the City of Lowell. A public hearing on the proposed one-twelfth budget shall be advertised in the "The Sun" on \_\_\_\_\_, 2020, to be held on Tuesday June 9, 2020 at 7:00 PM, in the City Council Chambers and on such other dates and times, if necessary and may be publicly announced by the City Council.

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the approval and submission of the Federal Fiscal Year 2020-2021 City of Lowell Annual Action Plan to the Department of Housing and Urban Development (HUD)

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The City of Lowell is submitting a Federal Fiscal Year 2020-2021 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), which plan will address the community development and housing needs and priorities identified by the community; and

The Federal Fiscal Year 2020-2021 Annual Action Plan calls for the anticipated expenditure of \$2,765,481 in funding for the period beginning July 1, 2020 and ending June 30, 2021; and

The Lowell City Council determines that the proposed use of the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), Emergency Solutions Grant (ESG) funding is necessary and desirable in order to improve the economic and living conditions of the residents of the City; and

The Annual Action Plan includes the anticipated expenditure of \$2,825,481 in funding for the period beginning July 1, 2020 and ending June 30, 2021 which includes a total of **\$1,863,000** in CDBG, **\$786,156** in HOME, **\$176,325** in ESG for a Total of \$2,825,481 in Federal grant funds.

The Lowell City Council determines that the proposed use of CDBG, HOME, and ESG Program funding for the City of Lowell, is necessary and desirable in order to improve the economic and living conditions of the residents of the City.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

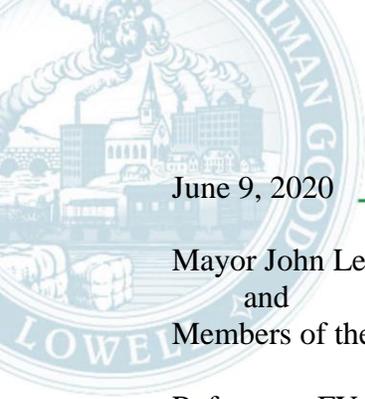
That the proposed plan for the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grant, is hereby endorsed, approved and included in the Federal Fiscal Year 2020-2021 City of Lowell Annual Action Plan, to be submitted to the U.S. Department of Housing and Urban Development for its approval.

**2020-2021 Draft Annual Action Plan**

The following activities have been selected to receive support using Consolidated Plan program funds during the 2020-2021 program year

	<b>ORGANIZATION</b>	<b>PROJECT NAME</b>	
<b>CDBG Public Service</b>			
	Angkor Dance Troupe	Angkor's Creative Works Program	\$ 15,000.00
	Asian Task Force Against Domestic Violence	Lowell Asian Initiative Against Domestic Violence	\$ 15,000.00
	Boys & Girls Club of Greater Lowell	MVP For Life	\$ 15,000.00
	Community Teamwork, Inc.	Fuel Assistance Program	\$ 15,000.00
	Community Teamwork, Inc.	Mill City Mentoring Program	\$ 15,000.00
	Girls Incorporated of Greater Lowell	Summer Outreach Program	\$ 15,000.00
	House of Hope, Inc.	Learn to Work Program	\$ 15,000.00
	Lowell Association for the Blind	Advocacy/Services for the Blind	\$ 15,000.00
	Lowell Council on Aging	Interpreter Services	\$ 20,000.00
	Lowell House, Inc.	The Accessibility Project	\$ 15,000.00
	Lowell House, Inc.	Recovery Coaching Academy	\$ 15,000.00
	Mass Alliance of Portuguese Speakers	Lowell Immigrant & Elder Services	\$ 15,000.00
	MassHire Greater Lowell Workforce Board	Lowell Career Readiness	\$ 15,000.00
	Merrimack Valley Food Bank	Mobile Pantry	\$ 15,000.00
	Merrimack Valley Food Bank	Food Distribution	\$ 15,000.00
	Merrimack Valley Housing Partnership	First Time Home Buyer Training	\$ 15,000.00
	Merrimack Valley Catholic Charities	Lowell Food Bank Collaborative	\$ 40,000.00
	Project Learn, Inc.	Girls Who Code	\$ 15,000.00
	Mill City Grows	Amory Park Gardens	\$ 15,000.00
	YWCA of Lowell	Youth Enrichment Training Institute	\$ 15,000.00
<b>CDBG Non-Public</b>			
	City of Lowell	Senior Center Lease	\$350,000.00
	City of Lowell	Sanitary Code Enforcement	\$100,000.00
	City of Lowell	Fire Truck	\$650,000.00
	City of Lowell	Economic Development Assistance	\$ 90,000.00
	City of Lowell	Hovey Park	\$250,000.00
	Acre Family Child Care	Family Child Care Development	\$ 35,000.00
	Habitat for Humanity	Critical Home Repairs for Seniors	\$ 25,000.00
	Lowell Parks & Conservation Trust	Urban Forestry Program	\$ 20,000.00
	YWCA	Acre Youth Center Appliance	\$ 13,000.00
<b>ESG</b>			
	Community Teamwork, Inc	Outreach and Prevention	\$ 80,000.00
	House of Hope, Inc.	House of Hope Shelters	\$ 35,000.00
	Lowell Transitional Living Center	Winter Emergency Bed Program	\$ 16,325.00

Lowell Transitional Living Center	Homeless Diversion Services	\$ 45,000.00
<b>HOME</b>		
City of Lowell , DPD	First Time Home Buyer	\$300,000.00
City of Lowell , DPD	Home Housing Rehab	\$350,000.00
CHDO Reserve	Community Development Housing Organization	\$136,156.00



June 9, 2020

Mayor John Leahy  
and  
Members of the City Council

Eileen M. Donoghue  
City Manager

Kara Keefe Mullin  
Assistant City Manager

Reference: FY 2020-2021 Action Plan

Dear Mayor Leahy and Members of the City Council:

The City of Lowell Department of Planning and Development is pleased to present the attached Action Plan for the period of July 1, 2020 through June 30, 2021. This document provides a strategy for the use of federal entitlement funds granted to the City by the U.S. Department of Housing and Urban Development under the CDBG, HOME, and ESG programs. Programs and activities described in the plan are intended to primarily benefit low- and moderate-income residents of the City, neighborhoods with high concentrations of low- and moderate-income residents, and the City as a whole. Changes this year include HOPWA funds for Middlesex County that will now be distributed through the City of Cambridge as Lowell's status has changed and Cambridge has surpassed the City of Lowell as the most populous unit of general local government in Middlesex County.

The Action Plan includes tentative funding awards for the 2020 –2021 Program Year. The projects proposed were solicited through a competitive RFP process as a volunteer Citizens Advisory Committee and the Administration worked hard to ensure that the goals of the Action Plan are met. A list of funding recommendations is attached to this communication. Please note that these awards do not include the special funding provided in the coronavirus relief act, also known as the CARES Act. The CARES Act funding will be awarded through a separate RFP process in June.

The Lowell City Council must approve this document before it is submitted to HUD. The Law Department has prepared the necessary vote for your consideration.

If you have any questions about these documents or this process, please feel free to contact me or DPD Director Diane Tradd at 978-674-1401.

Sincerely,

Eileen M. Donoghue  
City Manager

EMD/ns

Attachment

cc: Diane N. Tradd, Assistant City Manager/DPD Director  
Christine P. O'Connor, City Solicitor  
Craig Thomas, Deputy Director DPD  
Christopher Samaras, Community Development Director

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City Manager to execute a Limited Access Agreement between the City of Lowell and Speedway, LLC. relative to certain locations on or about Pawtucket Street.

-----

The City of Lowell owns the property on Pawtucket Street, Lowell, and

Speedway, LLC requests access to certain locations on or about 499 Pawtucket Street aka Sheehy Memorial Park for the purpose of installing, operating and maintaining two environmental monitoring wells in furtherance of environmental assessment and remedial activities at property located at 499 Pawtucket Street by and through his licensed site professional EnviroTrac Ltd., for a term not to exceed three (3) years; and

A Limited Access Agreement for such purpose is needed; and

The City of Lowell is willing to grant a Limited Access Agreement to its employees, agents and contractor's access onto the property for the purpose of drilling and installing two groundwater monitoring wells in furtherance of environmental assessment of groundwater quality related to the historical release of gasoline from the site under Massachusetts DEP Release Tracking Number RTN 3-34993 and remedial activities at property located at the property identified as John E. Sheehy Memorial Park, 499 Pawtucket Street, Lowell, MA, which includes without limitation landscaping between a paved walkway and Pawtucket Street across from 558 Pawtucket Street (the "Property").

BE IT VOTED BY A TWO-THIRDS VOTE OF THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Manager be and he is hereby authorized to execute a Limited Access Agreement between the City of Lowell and Speedway, LLC, its employees, agents and contractor's relative to certain locations on or about the property identified as John E. Sheehy Memorial Park, 499

Pawtucket Street, Lowell, MA 01854, which includes without limitation landscaping between a paved walkway and Pawtucket Street across from 558 Pawtucket Street (the "Property") for the purpose of drilling and installing two groundwater monitoring wells in furtherance of environmental assessment of groundwater quality related to the historical release of gasoline from the site under Massachusetts DEP Release Tracking Number RTN 3-34993 and remedial activities by and through his licensed site professional EnvirTrac, Ltd, for a term not to exceed three (3) years, all as more fully described in the form, or substantially the form, attached hereto.

v.limitedaccessagreement

## LIMITED ACCESS AGREEMENT

This Limited Access Agreement (“Agreement”) is entered into this \_\_\_\_ day of June, 2020 by and between the CITY OF LOWELL, a Massachusetts municipal corporation, owner of the property identified as John E. Sheehy Memorial Park, 499 Pawtucket Street, Lowell, MA 01854, which includes without limitation landscaping between a paved walkway and Pawtucket Street across from 558 Pawtucket Street (the “Property”) and Speedway LLC (“Speedway”) with a principal place of business at 500 Speedway Drive in Enon, Ohio 45323 (collectively, the “Parties”).

WHEREAS, Speedway has requested access to the Property for the purpose of installing, operating and maintaining two (2) environmental monitoring wells on the Property, in landscaping between a paved walkway and Pawtucket Street across from 558 Pawtucket Street, as further described and depicted as “Proposed Boring Locations” in the correspondence from Speedway to the City of Lowell City Council dated November 27, 2019 attached hereto and incorporated by reference herein as EXHIBIT A (the “Work”); and

WHEREAS, the CITY OF LOWELL is willing to grant limited access to the Property for the purpose of the Work for a term not to exceed three (3) years from the date of this Agreement;

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the Parties hereby agree as follows:

1. The CITY OF LOWELL hereby grants to Speedway, its employees, agents, and contractors, access onto the Property for the purpose of conducting the Work.
2. No materials may be stored on the Property by Speedway unless approved in writing by the CITY OF LOWELL and are, at a minimum, determined to be non-hazardous materials.
3. To the extent that they are required, Speedway shall be responsible for obtaining all permits required from the CITY OF LOWELL for the Work. Speedway shall be solely responsible for any costs incurred for the procurement of these permits.
4. Speedway shall provide to the CITY OF LOWELL copies of all reports, tests, surveys and/or other findings on site conditions on the Property generated as a result of the Work.
5. Speedway agrees that neither it nor its employees, contractors, or agents shall, in the course of the Work permitted under this Agreement, unnecessarily obstruct, interfere with, or impede the ingress and egress of persons or vehicles to and from the Property, vehicular traffic on or around Pawtucket Street, pedestrian travel on or about the Property and/or Pawtucket Street, or otherwise unnecessarily interfere with any existing use of the Property. Speedway shall use all diligent efforts to minimize any such obstruction or inference.
6. Speedway and its contractors, while performing the Work at the Property, shall maintain at least the following insurance, with limits of liability no less than those stated below:

1. Comprehensive General Liability: Combined single limit for bodily injury and property damage of not less than \$1,000,000.00 each occurrence and \$2,000,000.00 annual aggregate.
  2. Worker's Compensation Insurance and Employer's Liability Insurance: With limits of liability of not less than those required by law.
  3. Employer's Liability Insurance with limits of not less than \$1,000,000.00.
  4. Automobile Insurance (comprehensive form) covering all vehicles with limits of liability of not less than \$1,000,000.00 combined single limit for bodily injury and property damage.
7. No work shall be performed between 7:00PM and 7:00AM, except if a bona fide emergency exists and the City of Lowell is given adequate notice where practicable prior to the emergency work.
  8. Heavy equipment, to the extent it is required, must be fenced off, stored, or otherwise secured at the end of each work day.
  9. Upon completion of the Work, Speedway shall remove the monitoring wells and return the area of the Property impacted by the Work to the City of Lowell in substantially its original condition.
  10. The City of Lowell reserves the right to revoke consent for this Agreement either for cause or without cause.
  11. Speedway and the CITY OF LOWELL acknowledge that the CITY OF LOWELL makes no representations or warranties regarding the condition or safety of its property and that entry upon the property is at the risk of Speedway, and its employees, agents, and contractors. The CITY OF LOWELL shall not be responsible for any personal injury or property damage suffered by any party or person that arises in any way out of the activities contemplated in this Agreement, except to the extent that such injury or damage is a direct result of negligence of the CITY OF LOWELL, and subject to the limits set forth in M.G.L. c. 258.
  12. Speedway agrees to defend, indemnify and hold the CITY OF LOWELL, its officers, officials, agents and employees harmless from and against any suits, claims, actions, costs, expenses, fees, liability, losses and damages that may be asserted against, imposed upon, or incurred by the CITY OF LOWELL, its officers, officials, employees and agents, as a result of, relating to, or arising from any act or omission of Speedway, or its employees, agents, and contractors that is directly associated or in connection with the grant of access as set forth herein. Speedway's indemnification of the CITY OF LOWELL under this Paragraph shall survive the expiration or early termination of this Agreement.
  13. Each of the undersigned hereby represents and warrants that it is authorized to execute this Agreement on behalf of the respective Party to the Agreement and that this Agreement, when executed by those Parties, shall become a valid and binding obligation, enforceable in accordance with its terms. John, M. Helms was delegated the authority to sign this type of document on behalf of, and to bind Speedway LLC, pursuant to a resolution that was duly adopted by written consent of the Board of Managers of the Company on July 31, 2013. The 2013 resolution authorized and empowered any Vice President of the Company to execute, in the name and on behalf of the Company and in the course of the company's business, government filings and any permit, license, registration or other authorization issued by any governmental agency or authority, and to delegate

his or her authority granted pursuant to the resolution, in writing, to any other officer, employee, agent, or advisor of the Company or any affiliate of the Company. Nelson E. Almond is a duly appointed Senior Vice President of the Company and Nelson E. Almond delegated authority to John M. Helms, the Manager of Environmental Remediation, to executed documents on behalf of Mr. Almond, pursuant to a written delegation dated October 5, 2018.

IN WITNESS WHEREOF, the Parties have executed this Agreement as a contract under seal this \_\_\_\_\_ day of June, 2020.

CITY OF LOWELL, MA

SPEEDWAY LLC

By: \_\_\_\_\_  
Eileen M. Donoghue, City Manager

By: \_\_\_\_\_  
John M. Helms, Manager of  
Environmental Remediation

Approved as to form:

\_\_\_\_\_  
John Richard Hucksam, Jr.  
Assistant City Solicitor



November 27, 2019

City of Lowell City Council  
City Hall  
375 Merrimack Street  
Lowell, Massachusetts 01852

**RE: Petition to Install Environmental Monitoring Wells**  
Speedway Store #2468  
558 Pawtucket Street  
Lowell, Massachusetts 01854  
RTN 3-34993

2019 DEC -2 AM 9:57

Dear City Council:

On behalf of Speedway LLC (Speedway), EnviroTrac Ltd. (EnviroTrac) has prepared this Petition to request approval for drilling to install two (2) environmental monitoring wells in the landscaping of the sidewalk of Pawtucket Street across from the above referenced location (the Site). Based on EnviroTrac's conversations with representatives from the City of Lowell Engineering Department, City Clerk's Office, and Department of Planning and Development, a road opening permit cannot be issued without first submitting and receiving approval of this Petition.

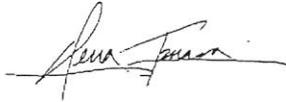
The purpose of drilling is to assess soil and groundwater quality related to the historical release of gasoline from the Site under Massachusetts Department of Environmental Protection (MassDEP) Release Tracking Number (RTN) 3-34993. Data collected will be used to document downgradient soil and groundwater conditions from the Site. The proposed locations of the monitoring wells are depicted on the attached Site Plan.

In accordance with Speedway procedures, subsurface utilities will be identified by Dig Safe and a private utility identifying company prior to drilling. The first six (6) feet of each soil boring will be advanced by a vacuum truck in order to clear any potentially unidentified utilities. Each soil boring will then be advanced to approximately 25 feet below ground surface using a hollow stem auger. Please note that the approximately six-inch diameter borehole at each location will be the only disturbance to landscaping caused by drilling activities. Each soil boring will be completed as a two-inch diameter monitoring well, constructed of polyvinyl chloride pipe (PVC). Each monitoring well will be finished to grade with a flush-mounted road box surrounded by a concrete pad. The work scope described above will be performed during regular business hours and is expected to be completed in one day. The monitoring wells will be sampled on a quarterly basis for at least two (2) years (dependent upon groundwater conditions). In

consideration of the time of year and driller availability, EnviroTrac would like to complete the above scope of work by late-December 2019.

Thank you for your consideration of this Petition. Should you have any questions, please contact the undersigned at (781) 793-0074 or at [denat@envirotrac.com](mailto:denat@envirotrac.com).

Sincerely,  
**EnviroTrac Ltd.**



Dena Tomassi  
Project Manager

Attachment

The logo for EnviroTrac features the word "EnviroTrac" in a bold, sans-serif font. A solid black circle is positioned above the letter "i" in "Trac", centered over the letter.



LEGEND

- MONITORING WELL
- ⊗ DESTROYED MONITORING WELL
- ⊙ SOIL BORING
- ⊕ PROPOSED SOIL BORING
- ⊖ EMERGENCY SHUT-OFF SWITCH
- ⊗ WATER GATE
- ⊙ MANHOLE
- ⊕ DRAIN MANHOLE
- STORMWATER CLEANOUT/ROOF SPOUT
- CANOPY FOOTING
- ▣ CATCH BASIN
- ⊕ GAS METER
- ⊕ ELECTRIC METER
- ⊕ ICE MACHINE
- ⊕ UNDERGROUND DETENTION BASIN
- PROPERTY LINE
- OVERHEAD ELECTRIC AND COMMUNICATION
- UNDERGROUND ELECTRIC
- UNDERGROUND COMMUNICATION
- UNDERGROUND NATURAL GAS
- UNDERGROUND WATER
- INFERRED UNDERGROUND WATER
- UNDERGROUND STORM WATER
- UNDERGROUND SANITARY SEWER

APPROXIMATE SCALE



SOURCE: SPEEDWAY LLC, "PROPOSED PLAN", DATED 12/08/2017

ALL LOCATIONS ARE APPROXIMATE. NOT FOR CONSTRUCTION PURPOSES.

FIGURE

1

DRAWN/REVISED BY: DT/DT  
DRAWING DATE: 03/14/2018  
REVISION DATE: 11/15/2019

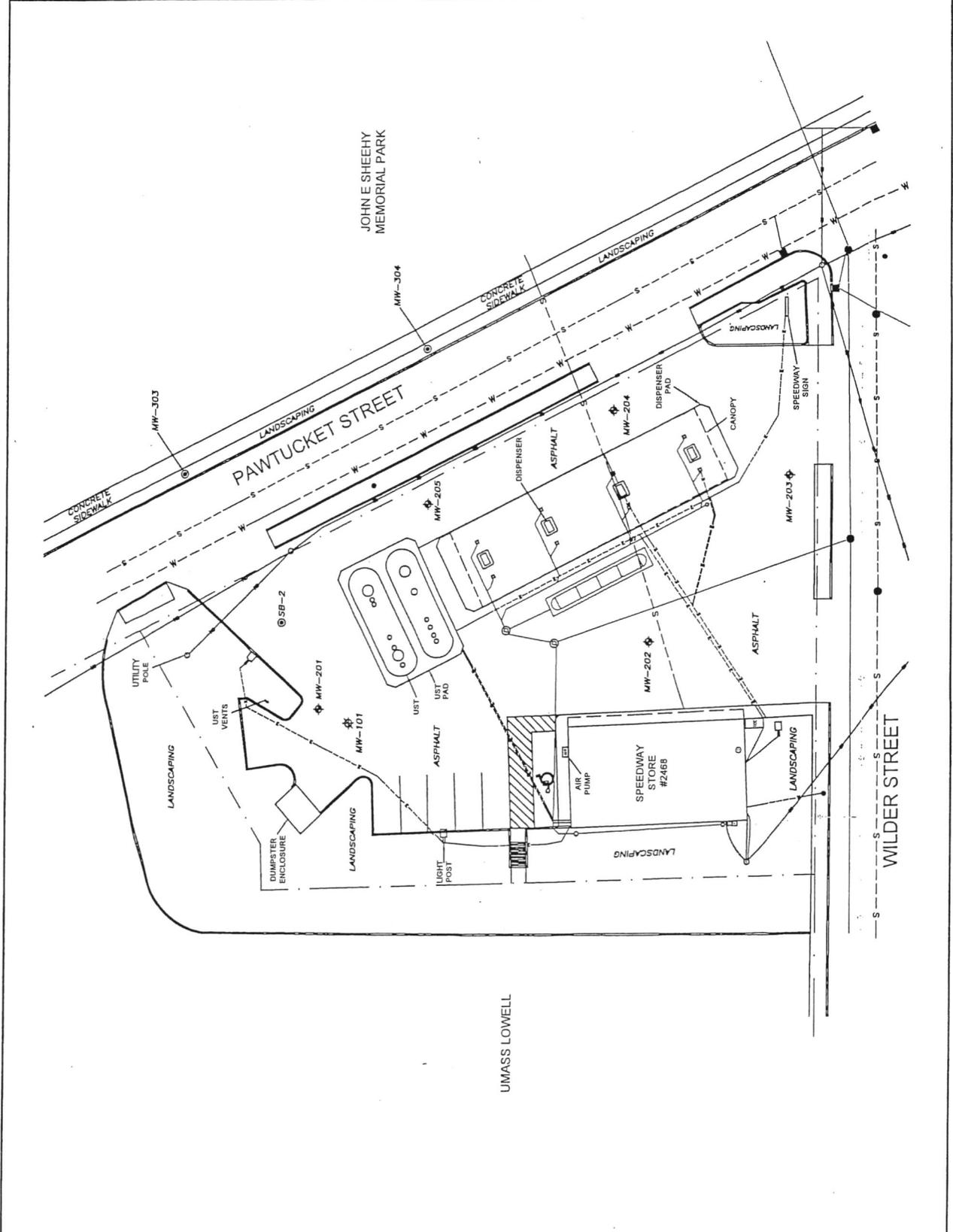
DRAWING TITLE

PROPOSED BORING LOCATIONS

PREPARED FOR

SPEEDWAY STORE #2468  
558 PAWTUCKET STREET  
LOWELL, MASSACHUSETTS

**Envirotrac**  
 2 Merchett Street, Suite 2  
 Lowell, Massachusetts 01854  
 PHONE: (781)753-8874 FAX: (781)793-7877



JOHN E SHEEHY MEMORIAL PARK

PAWTUCKET STREET

WILDER STREET

UMASS LOWELL



## City of Lowell - Law Department

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**Christine P. O'Connor**  
*City Solicitor*

**Gary D. Gordon**  
**John Richard Hucksam, Jr.**  
**Adam LaGrassa**  
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**Elliott J. Veloso**  
*Assistant City Solicitors*

June 4, 2020

City Manager Eileen M. Donoghue  
Mayor John Leahy  
Members of the City Council

Re: Limited Access Agreement for Access to Public Way –

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

On December 10, 2019, EnviroTrac Ltd., on behalf of Speedway LLC, requested permission from the City Council to temporarily install and operate two (2) environmental monitoring wells at 499 Pawtucket Street, which property is identified as John E. Sheehy Memorial Park. Speedway requires the installation of these monitoring wells as part of assessment of soil and groundwater quality related to the historical release of gasoline from 558 Pawtucket Street under Massachusetts DEP Release Tracking Number (RTN) 3-34993.

The attached limited access agreement would permit Speedway access to 499 Pawtucket Street for the installation and operation of these monitoring wells. Speedway would be responsible for all costs relative to the installation monitoring and monitoring of the wells. Upon completion of the data gathering, Speedway will also be responsible to the removal of the monitoring wells and restoration of the property.

Very truly yours,

John R. Hucksam, Jr.  
Assistant City Solicitor